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The EU-Vietnam Relations Through Promoting European Studies in Vietnam

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The Vietnam-Europe relations can be traced back to four centuries ago when the first European missionary arrived in the country. However, this relationship has gone a long history with up and down events, partly because of the misunderstanding and lack of information that influenced much on their cooperation. The main objective of the paper is to analyze the development of European Studies in Vietnam from historical perspective using the first hand information collected in Vietnam, and argue that in order to promote the European Union (EU)-Vietnam relations, European studies must be a priority in policy agenda of both sides. The paper concluded that European studies should be seen as an efficient measure to attract more and more students, and through which to promote image and understanding among people, and believed that there will be no doubt about the future of the EU-Vietnam relationship.

Keywords: area studies, European studies, European Union (EU)-Vietnam relations, EU-Association of Southeast Asian Nations (ASEAN) cooperation

Introduction

The relationship between Vietnam and Europe can be traced back to fourth century ago when the first European missionary arrived in the country. However, today bilateral relationship does not reflect this tradition and is not satisfactory for both sides. What is the obstacle in the relationship between two partners? Why is there misunderstanding in their relationship? The main argument of this paper is that in order to promote the relationship between Vietnam and Europe, European studies in Vietnam must be a priority in the agenda of both sides. Lack of information and not adequate education can influence much on their cooperation. The main objective of the paper is to analyze the development of European Studies in Vietnam from historical perspective using the first hand information collected in Vietnam and argue that there is no doubt in a bright future of European Studies in Vietnam, but it faces some challenges including finance, scholarship, and capacity. In order to fulfill this task the paper consists of three parts: The first part provides an overview of European Union (EU)-Vietnam relations as background to understand its current situation as well as the EU itself because “Europe does not exist without non-Europe” (Strath, 2002); the second part describes how European studies in Vietnam developed during last two decades focusing on the research program of Institute of European Studies of Vietnam Academy for Social Sciences and education program at University of Social Sciences and Humanities at Vietnam National University-Hanoi (VNU); the third part analyses some

challenges for European studies as a new subject in education. The paper concludes that the EU-Vietnam relations certainly will be strengthened because of its long tradition with Vietnam, and the European studies program serves as an efficient instrument for better understanding the EU.

An Overview of EU-Vietnam Relations

The relationship between Vietnam and Europe can be traced back to as early as the 17th century. Initially, this relationship was characterized by the interaction between two very different cultures and influenced significantly by European colonial practices. The first Europeans to contact Vietnam were the British, Portuguese, Italian, and French missionaries. The British came into formal contact with Vietnam in 1613 (Lamb, 1970, p. 9). However, they left the country after a few years. In January 1615, the Portuguese Jesuits Carvel and Goa Buzoni landed in Tourane (Da Nang) and set up a missionary station in Faifo (Hoi An). In 1618, another Italian Jesuit, Cristoforo Borri arrived in Vietnam and published the very first report on the country in European language (Villiers, 1995, p. 301). Yet another missionary station was established in 1629 in Tonkin (North Vietnam) and hosted by a French Jesuit Alexandre de Rhodes who was credited with the conversion of 7,000 people to Christianity (Villiers, 1995, p. 302) and the transcription of the Vietnamese language into the Latin alphabet (Phan, 1998, p. 34).¹ The invention of the *Quoc ngu* (National Script) (Chinh, 1969, p. 102) was documented by Rhodes in his works *Dictionarium* and *Cathechismus* (1651).

However, the fear by local rulers of losing power to Europeans led to the aggravation of the relationship with the missionaries. Many European missionaries were persecuted and Catholic books were burnt. Between 1848 and 1851, Kaiser Tu Duc (1848-1883) proclaimed the end of all missionary activities in Vietnam, and even offered a reward for any murdered European. This hostile attitude triggered a violent reaction from French Emperor Napoleon III and in 1858 French military forces landed in Tourane (Da Nang) and began the conquest of Cochinchina (South Vietnam) which fell under total French control in 1867. However, it took another two decades until the French completed their conquest of Annam (Central Vietnam) and Tonkin (North Vietnam) at which point Vietnam became a part of the French empire until its independence in 1945.

The two Indochina wars (1946-1954 and 1965-1975) and the “bipolarity” of the world order induced by the “Cold War” had a significant impact on the relationship between Vietnam and the European Community (EC). In fact, the ideological confrontation became a decisive factor in this relationship between Vietnam and the European, since most of the Community’s Member States were close to the USA’s position at a time (including foreign policy stances). However, there was no official connection between Vietnam and the EC before 1990 (although Vietnam did have diplomatic ties with individual EC member states).²

The Vietnam’s reform policy (*Doi moi*) launched in 1986 and the end of the “Cold War” in 1989 provided a chance for both sides to improve relations. On October 22, 1990—a turning point in the relations between Vietnam and Europe—the EC established official diplomatic relations with Vietnam. Five years later, on July 17, 1995 the two sides signed a Cooperation Agreement which came into force on June 1, 1996 (Delegation of European Commission (EC) to Vietnam Website, 2008) and provided a legal basis for the bilateral ties. Since

¹ At the beginning of the Twenty century, when French colonial government decided to abolish the tradition examinations, the Romanized scrip-the quoc ngu replaced the old Chinese and Vietnamese characters. Thus, when the Democratic Republic of Vietnam was founded on September 2, 1945, President Ho Chi Minh called for a movement to learn the quoc ngu to eradicate the illiteracy among Vietnamese people.

² The first EU member to establish diplomatic relations with Vietnam was the Kingdom of Sweden on January 11, 1969. France was the second EU member which established its relations with Vietnam on April 12, 1973.

then, EU-Vietnam relations have enjoyed stability and on-going diversification. Based on the Cooperation Agreement, a new mechanism for regular contact was created to promote open dialogue, introduce initiatives and plan cooperation. Impressive results have been achieved in a relatively short period of time, not least due to the success of the *Doi moi* policy in the Vietnamese society and the “combined efforts of the EC and EU Member States” (Barroso, 2005, p.4).

In the political field, the EU and Vietnam have increased the frequency of high-level meetings. One of the “milestones” was the first-ever EU-Vietnam Summit held in Hanoi before the 5th Asia-Europe Meeting (ASEM5) in October 2004. The President of the EC and the heads of the EU Members States participated. The two sides have also maintained cooperation within the frameworks of multilateral dialogues, such as ASEM and Association of Southeast Asian Nations (ASEAN) -EU. Reciprocally, Vietnam’s leaders have paid official visits to EU Member States. The frequent visits and meetings have helped both sides to develop a better understanding of each other, come closer together and find consensus on differing issues in both bilateral and multilateral relations. The EU highly valued Vietnam’s achievement in economic development, reduction of poverty and its determination to continue the *Doi moi* process. However, the views between the two sides still diverge on issues such as human rights, democracy promotion, and freedom of religion.

In the economic field, the EU is Vietnam’s leading trade partner, a main source of foreign direct investment (FDI) and, significantly, a major aid donor. The most important outcomes of economic relations between Vietnam and the EU were the granting of “most favored nation” status and providing Vietnam with tariff preferences under the EU’s Generalized System of Preferences mechanism. EU-Vietnam economic relations have also profited from region-to-region cooperation, especially under the “Trans-Regional EU-ASEAN Trade Initiative” (TREATI) and the “Regional EU-ASEAN Dialogue Instrument” (READI). Both programs were launched in 2003 to promote economic and trade cooperation as well as dialogue and regulatory cooperation between the two organizations. Consequently, trade between the EU and Vietnam has sharply increased. In 2012, EU-Vietnam trade in goods was estimated over €23, 8 billion, with €18, 5 billion in imports from Vietnam into EU, and €5, 3 billion in exports from the EU to Vietnam. The EU is also one of the most important investors in Vietnam, accounting for an amount of €1.061 billion of FDI.³ Supported by the EU, Vietnam became the 150th member of the World Trade Organization (WTO) in January 2007. Responding to the rapid economic development of Vietnam and in accordance with the New Southeast Asia Strategy (2004), the EC issued a Country Strategy Paper for Vietnam between 2007-2013 foreshadowing long-term cooperation on the bilateral level. According to this Paper, the EU will focus its attention on selected sectors of cooperation, including providing direct assistance to Vietnam. Importantly, according to Ambassador Marcus Cornaro (2005), Head of the EC Delegation to Vietnam, “Vietnam enjoys an exceptionally good level of government-led donor coordination; also, harmonization within the EU and with other major donors have progressed a lot” (p. 9).

Entering the new millennium, EU-Vietnam relations have reached a new level. In 2007, with 27 members and population of 500 million, the EU accounted for 30% of global GDP and 41% of the total value of world trade.⁴ This extensive enlargement of the EU offered new opportunities, as well as challenges, for the Union’s external partners. Like other less developed countries, Vietnam has been concerning that the commitment of the EU to help its new members might influence its commitment to cooperate with developing countries around the

³ Retrieved from <http://ec.europa.eu/trade/policy/countries-and-regions/countries/vietnam/>.

⁴ Retrieved from www.delaus.ec.europa.eu/EU.../Trade.../index.htm.

world. Despite these fears, it seems that EU enlargement has not “diluted” EU presence in and involvement with Vietnam. On March 29, 2007, the EC’s Country Strategy Paper (CSP) for Vietnam was adopted by the EC. For implementation of this CSP, the EU allocated €160 million for the period of 2007-2010 and 144 million for the period 2011-2013.⁵ In general, it is believed that EU enlargement has created more opportunities for EU-Vietnam relations because the majority of the new EU members used to have long-standing relations with Vietnam during the Cold War. In a way, these past links present Vietnam with a chance to capitalize on the existing partnerships and to expand cooperation. In addition, there is a big Vietnamese Diaspora residing in Europe (there are about 200,000 Vietnamese living in Eastern Europe, with 100,000 in Germany, 20,000 in Poland, 25,000 in Czech Republic and 5,000 in Hungary) (Science Activities Reviews Website, 2009). This “human link” serves as yet another bridge between Vietnam and the expanded EU.

One of Vietnam’s concerns is the reluctance of EU investors to invest in Vietnamese high-tech, heavy industries which are the key to the country’s industrialization strategy. On this issue, both sides consented that Vietnam should focus on improving regulatory frameworks, fight corruption, reform public administration, restructure the state-owned sector and improve the competitiveness of Vietnamese economy in the financial sector. Improvements in these areas will lead to an increase in EU investment,

The future for EU-Vietnam relations looks promising. Relations have been built on a long-lasting history which started 40 centuries ago. They were critically tested during the “Cold War”, but have persevered and survived as both sides entered a new world order. Though this new partnership has emerged just two decades ago, it has blossomed in many fields of cooperation. Hopefully, the next decade of EU-Vietnam relations will witness a continuation of this positive development. Yet despite the fact that official EU-Vietnam relations are flourishing, there is little research on Europe and the understanding of people on EU is limited (Amer, Gray, & Tung, 2004).

The Development of European Studies in Vietnam

The bipolarity system and the Cold War have influenced much on the development of social sciences in Vietnam as well as of European studies. During this period the classical philological approach to teaching and researching in area studies was focused on language, history, literature, and culture of a country or a culturally defined region, for example, Western, Oriental, Latin America.... However, by the end of the Cold War, area studies adapted to dramatic changes of the world, taking into account elements of globalization such as international flows of goods, capital, services, people.... Therefore, area studies need an interdisciplinary approach. However, the classical approach continued its dominance in Vietnamese universities and research institutes. In terms of area studies, there is a big gap between Vietnam and other countries. The main reasons why Vietnamese universities and research institutes did not follow the trend of area studies in the world were, among the other things, the isolation of the country as a whole and community of social sciences especially which resulted in failing to catch-up on innovations of methodologies and methods. Moreover, the universities had to fulfill the task of political education by indoctrinating the party’s ideology. Third, there was also a fear of teaching “western” ideas and values, models and policies that could lead to erosion of the leadership of the Communist party. These factors reflected in the establishment of the Research Center for Commonwealth of Independent States (CIS) and Eastern Europe on 13 September 1993 according to the decision No 466/TG of

⁵ Retrieved from http://eeas.europa.eu/delegations/vietnam/eu_vietnam/political_relations/bilateral_cooperation/index_en.htm.

Primer Minister. However, five years later, the CIS was renamed in Center for European Studies. This decision put an end to the ideological division of Europe and reflected the integration of Eastern part of Europe in the European Common House. With the growth of the EU and the interest of European studies in Vietnam, in 2004, the Center was promoted and enlarged in the Institute of European Studies (IES). Since then, IES has played an important role as a single research institute on European studies in Vietnam.

According to the decision of Vietnamese government, IES has the functions of studying fundamental issues on social sciences of the countries and regional organizations of Europe, providing scientific foundations for leading agencies of the Party and the State to plan guidelines, domestic and foreign policies; organizing consultation and post-graduate training in social sciences related to Europe. In short, the IES plays the role of a think-tank to provide with ideas and suggestions for policy makers. In order to fulfill this function the IES carries out a wide range of tasks from researching to training and consulting. They include organizing fundamental studies on social sciences in countries and regional organizations of Europe; studying theoretical and practical issues related to the development of European countries as well as the formation and development of regional linkages in Europe; providing post-graduate training in pursuant to the law, and participating in the development of highly qualified human resources; organizing and participating in the scientific evaluation of socio-economic programs, projects of ministries, sectors, and localities; carrying out scientific consultations; managing international cooperation in research and training; exchanging scientific information; managing library documentation system; publishing scientific products; disseminating scientific results, and diffusing scientific knowledge to the masses; carrying out scientific research contracts with research organizations and agencies, companies and researchers in the country and abroad.

During the last decades the IES has carried out 36 research projects. Among these there are 11 research projects on Russia, five projects on EU-Vietnam relations and three projects on EU member states.

The market for graduates trained in international/area studies has expanded since Vietnam launched the reform program and integrated in regional and world systems. Not only public sector but also private sector needs more and more qualified employees trained in international/area studies. It is understandable because more country opened up the bigger demand for the skills taught in international/area studies program. Realizing the need in the management of Vietnam's various sector, in 1993 Ministry of Education and Training (MOET) decided to establish the first ever Faculty of International Studies (FIS) in Vietnam as a new field of study within the Faculty of History at the University of Social Sciences and Humanities (USSH), VNU. It took two years until 1995 when the International Studies Program was separated from the Faculty of History as an independent faculty of the USSH. In the first ten years of its existence, the International Studies Program was characterized by its general education program for all students equally through four years long without any specialties. However, realizing the need of the countries in having graduates who will be able to work in one or another region, in 2002 the International Studies Program was reconstructed into two majors, namely International Relations and Area Studies. After three years of implementation, in 2005 the Area Studies Program was again divided into two small units: European and Americas Studies. Nowadays the European Studies Unit of University of Social Sciences and Humanities serves as a single program offering a higher education of European Studies.

Since its introduction in 2002 up today, the number of students who specialize in European Studies is stable and occupies the second place among students studying at the Faculty of International Studies.

Table 1

The Number of Students Specialized in European Studies in Comparison With IR and America Studies From Class 2002-2006 to Class 2008-2013

Class	International Relations	European Studies	Americas Studies	Total
2002-2006	48	17 (13.09%)	12	77
2003-2007	46	19 (10.27%)	14	79
2004-2008	40	24 (18.96%)	15	79
2005-2009	44	31 (27.9%)	15	90
2006-2010	45	24 (19.92%)	14	83
2007-2011	49	22 (18.48%)	13	84
2008-2012	56	21 (18.48%)	11	88
2009-2013	43	29 (28.42%)	24	96

So far the graduates of Faculty of International Studies already have about 2,000 including those who studied in in-serving program. They are working in a wide range of public and private sector jobs. A survey in 2002-2003 by the Faculty of International Studies of its alumni revealed that, of the 185 respondents from the group of 699 surveyed, graduates are finding jobs in a wide variety of fields, with a high percentage (40.54%) working in the business sector. The other graduates are to be found in the fields of education and research (16.21%), mass media (11.99%), positions in external affairs departments of central or provincial-level (7.56%), security or national defense (7%), or working for airline (4.86%) or bank (2.16%). The others are working or studying abroad (9.73%) (Chaban, Holland, & Ryan, 2009, p. 19).

Every year the Faculty of International Studies admits about 80-100 undergraduate students, among whom one third choose the European studies program as their major. In their fourth year BA study program, students can choose, after three years of common education, one of three majors to focus upon, namely International Relations, European Studies or Americas Studies. Each concentration is designed to lead to an equal MA or Ph.D. at VNU-Hanoi. The European Studies Program of the Faculty of International Studies at USSH-VNU combines of 14 compulsory credits and four elective credits.

From the table 1 it is clear that the European Studies Program provides a comprehensive knowledge on Europe including an introduction, history and culture, political and legal system, the major powers, and last but not least the EU's economic system and foreign policy of a regional organization. From eight elective credits students can choose four ones depending on their interest including cultural interaction between the West and the East, trade and investment cooperation between the EU and Vietnam, Northern European and Eastern European Region.

Challenges for European Studies in Vietnam

During the past ten years the European Studies Program of USSH has produced some 187 BA graduates. The number of enrolled students has shown an increasing trend. However, there are problems and constraints as well.

First of all, European studies need an institutional support from both inside Vietnam and outside the country. Keeping status quo may be no problem but to be a competitive and attractive program there must be more incentives for both researching and teaching in the form of financial support, scholarship and internship.

Given the fact that the EU image was very low in Vietnam and other Asian countries (Chaban, Holland, &

Ryan, 2009), Europe should involve more in supporting European studies program in Vietnam. The EU-Vietnam negotiation on a bilateral Free Trade Agreement (FTA), upgrading of the EU-ASEAN cooperation, and the increasing calls for regional cooperation in East Asia could serve a catalyst for promotion of European deficit.

Table 2

The List of the Courses of European Studies

Introduction to European Studies	2
Political and Legal Systems of Europe	2
European History and Culture	2
The EU's Economic System	2
The European Union's Foreign Policies	2
The European Major Powers	4
Electives	4/8
Cultural Interaction between the West and the East	2
Trade and Investment Cooperation between the EU and Vietnam	2
Northern European Region	2
Eastern European Region	2

In teaching program, there is a big lack of real experts and scholars on European studies. Most Vietnamese scholars are trained as disciplinarians, discipline-based or had a country-specific major rather than a regional European concentration. Therefore they have big problems in dealing with the EU as an institution and as a regional area. As an institution they have to understand such kind of mechanism and functions like the Council, the Commission, European Parliament, the European central Bank, European integration, Common foreign and security policy etc. As a geographical region, the EU is still not a legal and political entity, but as one of several international organizations. The emphasis is given to country-specific themes. There is still wide accept of concepts of Western Europe, Southern Europe, Northern Europe, Eastern Europe... If researchers look at the graduation thesis of students the majority of them write on the member state issues.

The job market, the academic programs and the number students are interrelated. In Vietnamese context, students tend to proceed to the MA level either to be a researcher or to be a professional specialist. Table 2 shows that the curriculum is oriented towards academic rather than to professional purposes.

The quality of students is another big issue. Although the courses are given in Vietnamese, but it is required that students have a good command of English in order to read sources and materials that are not available in Vietnamese. English, interdisciplinary and professional knowledge are big challenges for majority of students.

Conclusion

Although the Vietnam-Europe relationship has taken place around four hundred year ago, it has been rapidly improving just during the last decade thanks to the development of European studies in Vietnam along with political, economic and other aspects. In fact, European studies including both research and training serve as an efficient measure to attract more and more students, and through which to promote image and understanding between people. In order to promote European studies it is necessary to approach in

multidirectional way including promoting the political, economical and socio-cultural linkage between the EU and Vietnam. With long tradition, and with fundamental education, there will be no doubt about the future of the EU-Vietnam relationship.

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Participation as Input-Legitimacy: The Ambivalent Effects of Multi-Stakeholder Governance

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What legitimacy problems do NGOs experience, when they participate extensively in global governance processes? What do these problems mean for the input-legitimacy of the governance process? In this paper the author seeks to answer these questions by looking closely at the UN World Summit on the Information Society (WSIS), focusing specifically on one of its multi-stakeholder working groups, the Working Group on Internet Governance (WGIG). This working group provided NGOs with some outstanding possibilities for participation to enable them to contribute to the formulation of the WSIS policy outcomes. Yet, the wide participation of NGOs had ambiguous effects for their internal legitimacy. The author will argue that these legitimacy problems in turn challenged the input-legitimacy of the governance process, particularly because they reduced the variety of issues that NGOs brought into the governance process. The most deeply included NGOs actors were inclined to adapt their demands to the necessities of the governance process. The empirical findings from the WSIS thus suggest that the democratizing reforms international organizations currently undertake reduce the legitimizing power that NGOs are often assigned with.

Keywords: non-governmental organizations, global governance, legitimacy, WSIS, internet governance

Introduction

As international organizations increasingly deal with global problems that affect societies across borders, this policy-making within international organizations suffers from a legitimacy deficit (Zürn, 2004). Within the concept of global governance, researchers and policy-makers have tried to solve this problem. Greater participation of non-state actors, especially non-governmental organizations (NGOs), promises more legitimate policy processes and outcomes, as this potentially increases the diversity of actors and perspectives included, and increases the transparency of the process to non-participants. NGOs participation is therefore said to provide input-legitimacy to a policy process, making global governance processes more democratic (Scholte, 2004; Beisheim, 2005; Finke, 2005; Steffek, Kissling, & Nanz, 2008).

The current trend towards transnational governance, led by the United Nations, promises more accountable and democratic policy making. Increasing numbers of NGOs participate in international negotiations, especially at UN world summits. In addition to increasing numbers of NGO participants, some scholars argue that the quality of their participation has advanced (Willetts, 2000, p. 193). This inclusion process has led to new forms of governance, such as public-private-partnerships and multi-stakeholder governance forums. These particularly far-reaching possibilities of participation for NGOs may provide more

ideal conditions for legitimate governance (Dingwerth, 2007).

Yet, political actors and scholars have noted new problems accompanying the increasing presence of NGOs as participants in international negotiations, as there has been a backlash against civil society participation (Florini, 2000, pp. 215-216; Clark, 2003, pp. 171-172). As multi-stakeholder governance yields ambivalent effects, political scientists identify pitfalls alongside the promises (Bexell, Tallberg, & Uhlin, 2010). While participation promises more influence for NGOs and more balanced decision-making, it also creates problems of representation, dependence, and ineffectiveness (Dany, 2013). In this paper the author deals with the question whether NGOs actually fulfil their alleged democratizing potential as providers of input-legitimacy to global governance processes. The author argues against the claims of the “participation as input-legitimacy-concept” that extensive participation challenges NGOs internal legitimacy, which affects the input-legitimacy of the governance process. As a result, the participation of NGOs actually reduces their ability to provide input-legitimacy. In other words, the democratizing reforms that international organizations currently undertake actually reduce the supposed legitimizing power of NGOs.

The author will support this claim by using a specific world summit that provided NGOs with most far-reaching formal and informal participation rights: the UN World Summit on the Information Society in Geneva 2003 and Tunis 2005. The WSIS is an especially informative case to study the effects of far-reaching participation, because NGOs could participate to a large degree in policy-formulation, which created new innovative ways of cooperation. Yet, not only did this participation not lead to significant changes of policy-outcomes (Dany, 2013), it rather led to adaptation processes within civil society. The empirical evidence suggests that researchers should probably reconsider the participation of NGOs more “radically” or articulately as a criterion to assess the input-legitimacy of international negotiations.

The Hope: NGOs Provide Input-Legitimacy to Global Governance Processes

The distinction between input- and output-legitimacy, coined by Scharpf (1970), is widely accepted. Whereas output-legitimacy means that those who govern are able to effectively advance the interests of the governed, input-legitimacy means that those who govern take the interests of the governed adequately into account. This mechanism makes governance democratic and legitimate at the national level, and it is widely held that it also works in the realm of international politics and global governance, although Scharpf was skeptical about this point. He doubts that input-legitimacy could actually result from participation on a global level, as a transnational collective identity would be missing. He also maintains that “the plausibility of the participatory rhetoric suffers, however, as the distance between the persons directly affected and their representatives increases” (Scharpf, 1999, p. 7). Despite these doubts, it remains a big hope of global governance research and politics that NGOs can provide input-legitimacy to negotiations and decisions on global policy problems, as they supposedly balance out democratic deficits produced by unaccountable elites in international organizations and transnational corporations. But how do NGOs concretely contribute input-legitimacy to a governance process? Through which actions do they “promote ‘rule by the people’ in global governance” when they participate in international negotiations (Scholte, 2007, p. 16)?

In the presence of NGOs, states are forced to justify their decisions and to argue rather than bargain. This “emphasis on arguing, learning, and persuasion holds quite some promise in improving the quality of international negotiations” (Risse, 2004, p. 304). NGOs seem to enable- or even force- policy-makers to take a broader variety of preferences of those not present into account, which are affected by their rules (Beisheim,

2005, p. 251). Ultimately, the inclusion of NGOs helps make global governance more legitimate, as policy-makers are responsive towards NGOs claims in negotiations (Steffek & Nanz, 2008, p. 11). It is widely held that NGOs bring a “human perspective” into the negotiations, as they represent the common interest rather than the interests of a certain clientele. If NGOs have a certain clientele at all, these are people most in need or especially marginalized groups of society, whose advancement again serves society at large. NGOs supposedly have the closest relations to marginalized societal groups and best understand their interests. NGOs can bring the interests of marginalized groups onto the agenda of international negotiations and propose concrete policy solutions. They do so by framing policy issues and by proposing certain formulations for the documents being drafted. NGOs therefore provide important and often needed information about pressing policy-issues and the best ways to solve them, because they often have more knowledge about problems on the local level or special expertise on policy issues which the state diplomats’ lack. Due to their efforts and credibility, NGOs have good access to testimonies, which they present during international negotiations. In the best sense, NGOs thus act as advocates for the marginalized which are not able to voice their concerns, but who are most affected by distant international negotiations (Keck & Sikkink, 1998).¹ NGOs and other civil society participants, according to this perspective, indeed share a transnational collective identity and act as a “global demos”, which is so essential for providing input-legitimacy beyond the nation-state. This is particularly the case at UN conferences; for this reason, NGOs participation at world summits particularly should lead to a democratization of global governance (Friedman, Hochstetler, & Clark, 2005).

To sum up, the advocacy function of NGOs may help reduce the democratic deficit of international negotiations and enhance therewith the legitimacy of the resulting decisions, since the needs of marginalized people are represented on the global level and thus have a chance to affect political decisions.²

An Obstacle: Legitimacy Issues of NGOs

Despite these high hopes that are attached to NGOs participation, scholars have also noted problematic aspects of their participation. Some observed that NGOs, in their participation in international negotiations, lost touch of their initial goals (Uvin, 1996, p. 169) or of promoting political change (Reinalda, 2000, p. 170). On the case of the Rio Earth Summit, Matthias Finger argued that the participation of NGOs “actually hindered the NGOs community, especially that segment of the community which tried to address underlying causes and to propose meaningful solutions” (Finger, 1994, pp. 199-200). Instead of adding legitimacy, the NGOs have changed their roles in a way that benefitted the organizers of the summit (Finger, 1994, pp. 199-200). As soon as NGOs actors become “diplomats”, rather than acting as transnational advocates, they seemingly become more separated from their base or the general public.

¹ Besides this information function from bottom-up, NGOs as well provide information and fulfill important policy functions vice versa, namely from top-down. Therefore, NGOs have been described as a transmission-belt between the wider public and international institutions (Nanz & Steffek, 2004; Steffek & Nanz, 2008, p. 8). Yet, this educational function is less important for the NGOs’ providing input-legitimacy.

² Relatedly, however not the focus on this paper, may NGOs contribute to the output-legitimacy of international negotiations. Thus, the legitimacy discourse on NGOs in global governance is intractably linked to the one on effectiveness. As much as the effectiveness of a policy decision enhances the legitimacy thereof, so too does the legitimacy provided by NGO participation potentially enhance the effectiveness of policy-making (Beisheim & Dingwerth, 2008). In drawing on the NGOs’ resources—primarily on their knowledge and legitimacy—states may be better able to become aware of the pressing policy issues and formulate more adequate and enforceable policies. As an example, policy decisions that are perceived as legitimate because NGOs have contributed to them, could be more easily accepted by national policy makers, which again increases the likelihood that they are ratified and implemented.

As NGO participation has increased, both in numbers and quality, criticism has become more regular and this resulted in a new research focus. For example, different adaptation processes were recognized. Ottaway (2001) maintained that NGOs must conform to formal bureaucratic rules, if they want to be influential (p. 277). Kerstin Martens found that NGOs change their attitudes, behavior and demands when getting involved in international negotiations (Martens, 2005, p. 8). Adapting themselves to the necessities of an international policy-process is not simply a rational and unproblematic strategy to enhance ones influence, because adaptation may also undermine the NGOs credibility. More recently, problems with representativeness were mentioned again with new rigor: Authors claim that NGOs who are active in international negotiations are often not able to represent the manifold issues of the “global civil society” in a balanced fashion. Well-funded and experienced NGOs are overrepresented in international negotiations over marginalized groups from developing countries (Bexell, Tallberg, & Uhlin, 2010, p. 87; Brühl, 2010). More generally, “structural inequalities based on class, gender, nationality, ethnicity, and religion may be reproduced within transnational civil society” (Bexell, Tallberg, & Uhlin, 2010, p. 93). Other scholars recognize that NGOs face dilemmas when they try to adhere to legitimacy standards, while at the same time trying to work effectively as partners of states and business organizations (Dingwerth, 2007).

The latter aspect explicitly addresses legitimacy issues. Yet all other problematic effects of participation that were named above relate to the NGOs’ internal legitimacy, even if only implicit. That NGOs are not able to represent societal interests in a balanced fashion challenges the legitimacy of NGOs, because this legitimacy is very much based on their ability to represent a “global civil society” and to represent underprivileged and underrepresented people. Relatedly, NGOs suffer legitimacy problems when they must interact closely with states, because autonomy is another basic legitimizing characteristic of NGOs that is challenged through their participation in international negotiations. When NGOs become involved in making political decisions, they also become more vulnerable to criticism on their legitimacy. Writing about the strong inclusion of NGOs in the climate change discourse, Gough and Shackley (2001) saw the danger that NGOs might become “too engaged, too divorced from their claimed-for constituency and too much associated with the corresponding outcomes of negotiations and policies (including perceived failure)” (p. 329). Finally, when NGOs adapt their claims to the necessities of the governance and international negotiation process, or lack transparency in internal decision-making processes, this may hurt their legitimacy as it reduces their credibility (Debiel & Sticht, 2005, p. 141). Thus, even when problems of NGOs as participants in international negotiations are not explicitly framed in terms of “legitimacy issues”, they often result in legitimacy issues. Most problems of NGOs participation in international negotiations concern the NGOs’ lack of legitimacy and accountability (Brühl, 2006, p. 172).

The question is now whether these problems amount to a real obstacle for their democratizing potential. If participation potentially reduces the legitimacy of the participating NGOs, what does this mean for the legitimating function of NGOs in global governance? Are internal legitimacy issues of NGOs a problem for their democratizing potential? Should the participation of NGOs therefore be questioned as an indicator for input-legitimacy?

Most maintain that NGOs are indeed able to democratize global governance, even if they are not internally democratic. Marianne Beisheim (2005) argued that NGOs do not need to be held democratically legitimate, as long as they don’t make collectively binding decisions (p. 244). Yet, in international negotiations within the United Nations world summits, NGOs are increasingly asked to be an active part in preparing governmental

decision-making, and in formulating rules that potentially affect people worldwide. As well, according to the “multi-stakeholder” logic, NGOs actually represent a certain part of society, namely the “global civil society”. Even if they don’t represent a certain clientele, they do represent certain issues, values, or interests (Steffek, Bendrath, Dalferth, Hahn, Piewitt, & Rodekamp, 2010, p. 104). This is a situation in which Beisheim would also argue that NGOs need to accept questions about their internal legitimacy (Beisheim, 2005, p. 245). Furthermore, if one concedes that NGOs are powerful actors, they are also in need of internal legitimacy—even if it is still not clear what kind of legitimacy standards exactly NGOs need to adhere to (Steffek, Bendrath, Dalferth, Hahn, Piewitt, & Rodekamp, 2010, p. 102).

Nevertheless, most often both legitimacy aspects are treated as separate research programs (Breitmeier 2008, p. 39). Either, research projects deal primarily with the legitimacy of governance processes (Steffek, Kissling, & Nanz, 2008), or with the legitimacy of the NGOs (Steffek & Hahn, 2010). Yet, if one only looks at either the NGOs’ legitimacy or their legitimating function in a governance process, it is likely that one arrives at the conclusion that their participation in any case democratizes global governance. Either, because the internal legitimacy issues are not in the focus, or because they are simply not deemed relevant for the democratizing potential of NGOs. Furthermore, both legitimacy-issues seem to be closely linked: In all texts about the NGOs’ input-legitimacy there will be remarks about their own legitimacy, even if both issues are treated in isolation.

Although there are a few comments on this relation, it still remains rather vague. First of all, the accountability or legitimacy problems of NGOs are depicted as not grave enough as to actually limit the NGOs’ democratizing potential. Scholte (2007) regarded “shortfalls of participatory and accountable practices” in the ranks of NGOs as isolated cases that in no way challenge their *potential* to democratize global governance, even if this potential is not realized (p. 17). Similarly, Marianne Beisheim recognized that there were certain deficits in the actual realization of the NGOs’ democratizing potential in international climate negotiations, yet she still conclude that input-legitimacy was “very high” when NGOs participated in these international governance processes (Beisheim, 2004, p. 328; pp. 335-339). Secondly, in those articles that connect international legitimacy issues of NGOs to their democratizing potential, the processes through which the first could affect the latter remain obscure. Sure, Scholte (2004) explained what unaccountability does with the NGOs: For one thing, they will probably neglect that there are problems and thus underachieve; or they can lose moral credibility (p. 231). Nevertheless, it remains still unclear how their participation in global governance processes is related to their unaccountability, and how reduced effectiveness and credibility are actually linked to the input-legitimacy of a governance process. Brühl (2010) proposed that the problematic representativeness of NGOs could be the “missing link” and the main problem why NGOs participation might not democratize global governance: “legitimacy of international decision-making is not enhanced by the sheer inclusion of NGOs in international deliberations, since northern NGOs dominate the discourse in quantitative and qualitative terms” (pp. 187-192). Therefore, questions of representation and power relations within the NGO-community should be taken into account when assessing NGOs participation as input-legitimacy. In sum, although some researchers are sensitive to the issue, the link between the internal legitimacy issues of NGOs and their legitimizing potential for a global governance process is not clearly established, neither theoretically nor empirically.

This paper attempts to close the identified gap of research on NGOs and legitimacy. It proposes to thoroughly analyze how NGOs legitimacy issues and participation as input-legitimacy are connected. It thus

contributes to the debate on NGOs and legitimacy in that it makes a link between two usually separate fields of research: the legitimacy of the NGOs themselves, and the input-legitimacy of governance processes. Although the question has been raised once in a while, whether NGOs with legitimacy issues are indeed able to grant legitimacy to a policy process, it can only be adequately answered, if one analyzes the effects of the legitimacy problems of NGOs on the input-legitimacy of a governance process.

Integrating Legitimacy Concepts

The author proposes to integrate both perspectives on legitimacy and to focus more on processes. This means to look both at the legitimacy of the NGO-community and the legitimacy of the governance process, as well as on how they are interrelated. To this end one should differentiate between structures and agency and analyze the relationship between them, when assessing the legitimacy of a governance process. When analyzing NGOs participation in global governance processes, the NGO-community would be a structure, as the governance process is a structure. From the perspective of the NGOs, the first could be referred to as “internal structure”, and the latter as “external structure”. “Agency” is what single individuals do within and in relation to these structures. Agency and structure are interrelated, for example, as the perceived legitimacy or illegitimacy of the NGOs’ activities and demands can affect the NGOs’ legitimacy as actors and their potential to influence the policy-process. This could happen when the NGOs’ credibility is reduced, and their demands are therefore not able to make the policy outcomes more inclusive or more ambitious.

The legitimacy of NGOs is then analyzed by looking at the NGOs’ agency in relation to the internal structure, i.e. the NGO-community or civil society at a specific governance process (in the author’s case: the “WSIS civil society”). Instead of assessing legitimacy by evaluating the democratic character of the organizational set-up of a specific NGOs, the author will evaluate dynamics within the “NGO-community” or among different NGOs actors once they participate in international negotiations. This is important, because in international negotiations such as a UN world summit, NGOs representatives act as individuals. Indeed, this trend towards a loosening of organizational ties increases the more they are getting involved in decision-making. The democratic condition of a single non-governmental organization representative is thus not as much of a problem as the democratic condition of the interaction between different individual NGOs representatives at the negotiation process. The internal legitimacy of NGOs the author is interested in is therefore really the legitimacy of the “NGO-community”.

The “input-legitimacy” that NGOs are able to grant to the policy process must be analyzed by looking at the NGOs’ agency in relation to the external structure, i.e. the global governance process or the international negotiations. One must evaluate whether NGOs successfully bring a large variety of interests into the policy process, preferably of those who are underrepresented or marginalized and especially affected by the decisions being taken.

How are all these agency-structure relations and also the relations between the legitimacy of NGOs and their input-legitimacy empirically analyzed? The author proposes process-tracing, for its aim is to “build a logical chain of evidence linking NGOs participation in international negotiations with the effects of that participation” (Betsill & Corell, 2001, p. 77). The analysis is therefore based on several different kinds of data: (1) official policy documents from the negotiation process (concerning procedures: rules of procedure, rules of participation, rules of accreditation/concerning content: draft and final working documents, outcome documents); (2) official civil society policy documents (input to the policy process, either on procedures or

content); (3) unofficial civil society documents (communication on mailing lists, personal reports from certain meetings). Additionally, this analysis draws on interviews with participants, which also help to gain crucial insight into the backgrounds and dynamics of the negotiation process.

The mutually constitutive effects on agency and structures are certainly difficult to analyze, as cause and effect are not easily differentiated. This can be done, however, with the help of “bracketing” (Giddens, 1984, p. 288). By bracketing as a methodology, one does not consider the effects of agency on structures at a certain point in time, in order to be able to describe the effects of structures on agency, and vice versa. Combined with tracing an entire policy-process, bracketing helps researchers understand how cause and effect are related. The point of the empirical analysis is thus to establish a causal chain of evidence, linking first the specific forms of NGOs participation to the NGOs’ legitimacy and, in a second step, the NGOs’ legitimacy to the input-legitimacy of the governance process. It aims to heuristically identify plausible relations, which might emphasize that the legitimacy of NGOs is indeed challenged through participation and that this again affects the input-legitimacy of the governance process.

Participation as Input-Legitimacy: The Case of the Working Group on Internet Governance

The following empirical evidence serves as a heuristic to reveal how the exceptionally far-reaching possibilities of participation entail problems for the NGOs’ internal legitimacy, and how this again affects their potential to provide input-legitimacy for the policy process and its outcomes.³ In the following section, the author focuses mostly on one specific working group of the WSIS, in which the civil society members were granted the most far-reaching participation rights and which provides a very illustrative case for the identified legitimacy issues. This was the Working Group on Internet Governance (WGIG), a multi-stakeholder-group which worked for nine months with the goal to prepare the policy outcomes on Internet governance. The WGIG was central to the entire governance process of the world summit, because Internet governance became the most politically explosive policy issue of the WSIS and received the most scrutiny and media coverage. It is also commonly cited as “best practice” example of successful multi-stakeholder cooperation by the WSIS organizers and the civil society participants. The chair of the Working Group, Nitin Desai, put this sentiment in the following words:

The WGIG began with 40 experts who were often suspicious of one another. It ended as a group of 40 collaborators who were convinced that they had fulfilled their duty and were proud of what they had wrought. The challenge now is to reproduce in the wider community in the same sense of engagement, dialogue, understanding, and constructive compromise. (Drake, 2005)

Indeed, the WGIG was the most innovative governance mechanism during the WSIS process, and the negotiations in this working group resulted in another innovative governance mechanism: the Internet Governance Forum. In the WGIG, all four stakeholder groups (states, businesses, international organizations, and NGOs) were represented with an equal number of members present (McLean, 2005, p. 11). Of its 40 members, eight had a civil society background. Prior to its establishment, open consultations were held to discuss the structure and functioning of the working group. The WGIG met four times for several day-long

³ The evidence presented here is taken from the authors’ thorough empirical analysis of the World Summits on the Information Society in Geneva 2003 and Tunis 2005 (Dany, 2013). There, the author focused on the ambivalent effects of NGO participation on their ability to influence the policy outcomes, which showed to affect the NGOs’ legitimacy as well.

meetings, holding public consultations once a day. Non-members also had the opportunity to voice their concerns and arguments online and to react to draft reports and issue papers through the mailing list, with the aim to add more inclusiveness and transparency to the working group (Kalas, 2007, p. 6). The civil society members felt that the WGIG provided them with some unprecedented opportunities to influence its final report and therewith also the final outcome on Internet governance. Precisely because the WGIG was so innovative in many regards, it provided a useful case to study how this far-reaching participation affected its legitimacy.

How Far-Reaching Participation Challenged the NGOs' Internal Legitimacy

The NGOs that participated in the World Summit process faced some problems concerning their legitimacy. These problems are presented as four different, yet interrelated points here. Civil society actors experienced inequalities of representation, selectively empowering organizational processes, sacrifices of transparency and inclusiveness, and dependence on states. These problems arose because NGOs participation was so extensive in many ways at the WSIS.

Inequalities of Representation

As usual, the majority of individuals that participated with the WSIS civil society group came from the Global North. Those who participated from developing countries were furthermore less influential within the NGO-community. There were several reasons for this unbalanced composition. Actors from developing countries faced obstacles to participation, such as a lack of funds, and the WSIS organizers did not take sufficient measures to ensure that NGOs from developing countries had the resources to participate. In addition, many Global South NGOs lacked knowledge or experience about the complex global governance processes at the WSIS. There are also reasons for the dominance of Global North NGOs actors among those who participated: Global North NGOs actors often had different levels of prior experience and engaged in different styles of discussion. As Global North civil society actors dominated and shaped the discussions, civil society representatives from developing countries thus felt alienated from the dominant NGOs players.

This was a problem, even if those Western or Northern civil society actors claim to represent the interests of people in developing countries, because this representation did not actually work very well. More problems of representativeness arose, as the dominant group embraced their new roles as advisors and experts rather than their role as representatives of a "global civil society". The following quote from an interview with one of the leading figures in the WSIS civil society network, and a participant in the WGIG, illustrated this dynamic:

The chair Nitin Desai made a very good start for the whole thing by asking everyone to think of themselves as individuals, to use the personal "I" rather than "We". Some people started thinking about themselves just as people who were from different stakeholder groups, but did not necessarily represent those stakeholder groups.⁴

Here, the civil society participant explains that the success of the multi-stakeholder Working Group on Internet Governance was only possible as they rejected the idea of stakeholder-representation. The civil society members in this WGIG were included in negotiations, but only they were advised to perceive themselves less as representatives of civil society and more as experts and partners to the other representatives of states and businesses.

⁴ Interview C.D. with civil society participant, 15.11.2007, Internet Governance Forum, Rio de Janeiro.

Selectively Empowering Organizational Procedures

The legitimacy of NGOs was further challenged through their own internal organizational procedures. Key positions within civil society were not necessarily filled in accordance with principles of a transparent selection process.

A small group of NGOs actors managed to dominate the internal civil society structures as well as the procedures by which common NGOs positions were formulated. Yet, this was not the result of domination by a few powerful and unaccountable individuals. Rather, this development resulted from the institutional constraints under which the NGOs participated, such as short timelines. In quite a short time-frame, civil society actors were asked to self-organize themselves from “bottom-up”, which means they needed to create own civil society structures such as plenary, caucuses, and related thematic groups in which they could work and discuss. Those with the most experience in UN processes took a leadership role in this self-organization process. Furthermore, to avoid expressing too many ambiguous voices, the NGOs needed to present a “common position”, in order to be influential. Therefore, some dominant NGOs actors created the certain civil society structures to determine a common NGOs position to government negotiators. They did this with the hope of increasing the influence of the NGOs.

For that purpose, those NGOs actors that steered civil society organization ensured that the people they preferred would fill crucial positions within the “NGO-community”. They were able to do this because there were no standardized procedures by which spokespersons, advisors, or caucus coordinators were chosen (Mueller, Kuerbis, & Pagé 2007, p. 284). Usually, when a civil society position had to be filled, the NGO actors who subscribed to a related Email-mailing list were asked to propose candidates to a civil society nomination committee. The selection was steered through the caucuses, which are civil society thematic discussion and negotiation groups. The caucus coordinators determined the criteria that the candidates should meet. These procedures were not coherent; they were often created ad hoc, with little oversight to monitor these procedures.

For example, the NGOs community was asked to choose eight representatives among their own ranks to participate on equal footing with the other working group members, made up of representatives from governments and the business sector, the co-coordinator of the Internet Governance Caucus was responsible for coordinating the nomination process on the Caucus’ behalf. Although she had been asked to take part in the working group by the Swiss diplomat Markus Kummer, who was then responsible for setting up the WGIG, she rejected his offer. Instead she wanted to coordinate the selection process for civil society in order to have control over the people brought into the group. She reported,

I wanted to have certain people in the group. It was important to me that Karen was in there as well as Avri and a third person. I then decided to step back and organize the process to see that these people get into the group.⁵

Out of the eight civil society representatives of the Working Group on Internet Governance, two were directly proposed by her and three more endorsed by the Internet Governance Caucus she co-chaired. Certainly, this does not prove that she wanted to exclude certain views on purpose, yet the co-coordinator conceded that the selection process provoked some displeasure, particularly from NGOs that were not involved in the Internet Governance Caucus. The civil society actors that promoted Free and Open Source Software felt that they

⁵ Interview C.D. with co-coordinator of Internet governance caucus, 17.11.2007, Internet Governance Forum, Rio de Janeiro (translation and insertions C.D.).

should have a representative in the WGIG, and they questioned whether the Internet Governance Caucus rightfully steered the selection process. In a public statement, they displayed their discontent and held civil society responsible for the deficiencies of the WGIG:

It must be underlined that despite the best efforts of the WGIG secretariat and chair, the question of the representativity of the WGIG remains open, however we are pointing out that this is not due to the United Nation handling of the selection process that we salute both as open and inclusive, but it is the most unfortunate consequence of a non-transparent process, within Civil Society, that shall not be repeated.⁶

Thus the internal organizational process created rifts between different members of civil society. The civil society structures did not actually evolve in a harmonious, inclusive, organism-like fashion from “bottom-up”, as some might have hoped for. Rather, a self-empowered elite of NGOs actors created the civil society structures through which they could determine what input they gave into the negotiations.

Challenges for Transparency and Inclusiveness

In a few instances some NGOs actors were forced to jeopardize central tenets of their legitimacy, namely, transparency and inclusiveness. The WGIG presents a useful example: This working group needed to seal their meetings off from the outside to fulfil its challenging task. One civil society participant in the WGIG identified trust and mutual respect among the members as a main factor for why the group was able to come to a consensus and deeper understanding on such a complex issue.⁷ In order to achieve trust and mutual respect, it is important to create a sense of remoteness or discretion for the members so that they are free to voice their opinion without public scrutiny. It was therefore generally unclear which single member took which position. The negotiations in the working group followed the Chatham House Rules, under which “reports of meetings do not attribute statements or positions to individuals in order to preserve the freedom of participants to speak their minds on the subject under discussion” (McLean, 2005, p. 12). Despite a few attempts to counter this secrecy⁸, the outcome of the WGIG was mainly portrayed as a consensus of “the group”, while differences between single members were not highlighted. This was helpful in fulfilling the complex task of the working group within a very short time frame, but to a certain degree, transparency suffered under these organizational requirements.

Transparency was also challenged through the way the open consultations were held. Although they were designed to include a broader diversity of voices of civil society, this was not possible due to time and capacity constraints. A civil society member in the WGIG reported that

there was no capacity to engage for example in a discussion, to involve all those people in an interactive to and fro, because researchers were all doing this work on a voluntary basis on top of our jobs... they were unable to do more to reflect and acknowledge the contributions that they received.⁹

A survey among WGIG participants confirms the problem of insufficient outreach to the stakeholders

⁶ Francis Muguet on behalf of the Working Group on Patents, Copyrights, and Trademarks, 31.05.2005, Tunis phase: Group of Friends of the Chair (GFC) Fifth Meeting Contribution. Retrieved January 14, 2014, from <http://www.itu.int/wsis/gfc/docs/5/contributions/pct.pdf>.

⁷ Interview C.D. with civil society participant, 15.11.2007, Internet Governance Forum, Rio de Janeiro.

⁸ For example, a background report was issued to inform outsiders about the negotiations within the WGIG and to make “clear whether an argument or opinion is shared by the entire group or only by some of its members”. Retrieved January 14, 2014, from <http://www.wgig.org/docs/BackgroundReport.doc>.

⁹ Interview C.D. with civil society participant, 15.11.2007, Internet Governance Forum, Rio de Janeiro.

outside of the group. It finds in particular that the open dialogue sessions were captured by governmental actors; the online tools were more useful for some people than for others; the online sessions were not sufficiently moderated; and the web tools were not ideal, especially because of the huge amount of emails related to the open consultations (Kalas, 2007, p. 14).

In other instances, some NGOs actors were forced by other NGOs actors to sacrifice transparency and inclusiveness. NGOs actors needed to balance out legitimacy standards against effective policy making. The fragile legitimacy of the self-organized internal structures became most obvious when NGOs encountered the sudden invasion of their meetings by government operated non-governmental organizations (GONGOs) in Tunisia. It was impossible for proper NGOs representatives to react adequately to this intervention without sacrificing transparency and inclusiveness. They realized that it was necessary to shut themselves off from certain accredited NGO-actors by holding smaller, exclusive, and more or less secret meetings, even if it worked against their desire to have a transparent and open discussion process. About 20 to 30 NGOs representatives met in a restaurant outside of their official meetings and maintained an extra Email mailing-list. This group was less diverse and they established trust and solidarity among each other with the knowledge that they were the “good guys” who were forced to shut themselves off the “bad guys”. But these closed off discussions made the group also vulnerable to attacks on their legitimacy.

There we realized for the first time that they [the GONGOS] destroy our great civil society structures that we have built up for the last two and a half years and that helped us to exert influence. And we, as civil society, could not really do anything against it. Since we are accredited as civil society, we could not make closed plenaries. That would deprive us of our legitimacy. But like this we were not able to work.¹⁰

As the GONGOs sought to disturb the working procedures of civil society, their exclusion is, however, probably less a legitimacy problem than the NGOs actors thought themselves. More of a legitimacy problem is the exclusion of other NGOs that came from different cultural backgrounds but who had substantial stakes in the debate, which also happened. Francophone NGOs actors, for example, were excluded—or maybe excluded themselves—due to language and cultural barriers. They only communicated in French, a language that others in the NGO community were not able to speak sufficiently. There was also mutual distrust, as the European/North American NGOs actors found the Africans’ style of discussion tedious and ineffective, while the representatives of the Francophone African countries felt ill-treated and ignored (Schmidt, 2004)¹¹. As a consequence, two NGOs factions—one English-speaking, one French-speaking—both worked on the issue of financing but did not effectively communicate with one another. Yet, the English-speaking NGOs faction was more widely recognized by the important decision-makers as experts on this issue, although, overall, responsiveness to the NGOs concerns on financing for development was rather low.

Finally, the marginalization within civil society is also illustrated by a personal experience of one of the founders of the Internet Governance Caucus with a South Korean heritage, yet at that time living in the United States.¹² Although she had been a central figure in the WSIS civil society at the beginning, she became increasingly frustrated for the non-transparency of the self-organization process feeling alienated from her fellow civil society colleagues and her demands being ignored. She also criticized the style of discussion within the Internet Governance Caucus as dominant Anglo-American and contaminated with power. She therefore

¹⁰ Interview C.D. with civil society participant, 13.2.2008, University of Bremen.

¹¹ Interview C.D. with civil society participant, 13.2.2008, University of Bremen.

¹² Interview C.D. with co-founder of WGIG, 15.11.2007, Internet Governance Forum, Rio de Janeiro.

temporarily withdrew from the policy-process, and her critical view on ICANN as well as her focus on multilingual top-level domains were ignored and not included in the common civil society positions on Internet governance.

Dependence on State Actors

The independence of NGOs also deteriorated, the more they participated, which contributed to another legitimacy problem. According to Steffek, Bendrath, Dalferth, Hahn, Piewitt, and Rodekamp (2010) “the decisive question with regard to real independence of a CSO is whether it adjusts its decision, strategies or policies in the face of external pressure or not” (p. 117). In international negotiations, an NGOs actor is independent when he/she keeps his or her demands irrespective of organizational requirements. Yet, at the WSIS, there were numerous instances in which NGO actors actually adapted their demands to outside pressure.

From the beginning, NGOs were dependent on state actors to allow their participation, as usual in international negotiations. States accredited NGO actors, authorizing them to participate in the UN summit, or they blocked the participation of entire NGOs or single NGOs participants.¹³ States also made the conditions under which NGOs could participate, i.e. they decided on the rules of accreditation, participation, and procedure. Moreover, the most far-reaching participation rights in working groups or sub-committees were determined by informal practices of the government actors who chaired these groups. Through this informality, the participation rights can easily be taken back at the will of states. The informality of these practices enabled states to exclude NGOs from the meetings. NGOs were thus dependent on the willingness of states to include them in the negotiations and they could not rely on their formal rights. States, however, could refer to structural necessities as an excuse to exclude NGOs when they reached the crucial, final stages of the policy process. The inclusion of NGOs was thus generally a constant tug-of-war between different state- and NGO actors.

The dependence of NGOs on states became also obvious even when NGOs participation rights were exceptionally extensive. When NGOs became official advisors to national delegations, their freedom to act was reduced. NGOs could not easily say any more about what they deemed important without provoking an *écart*, as some Swiss and German participants from governments and NGOs reported.¹⁴ Yet, NGOs do not lose their autonomy easily. The freedom to speak up and maintain independence from states is still considered to be of prime importance during international conferences. The Swiss government and NGOs actors therefore decided not to cooperate in national delegations any more. In accordance with its civil society, the Swiss government did not include civil society representatives into their delegation in the second phase, although they remained open towards NGOs’ participation in principle, and sought to facilitate it further by different means. Yet it was acknowledged by both, the Swiss government and civil society alike, that distinct roles are very important means to secure the NGOs’ independence from states.

How Internal Legitimacy Problems Affect Input-Legitimacy

Having specified four legitimacy problems of the NGOs that participated at the WSIS, the author will now

¹³ This happened for example to Human Rights China in the first summit and the Secretary General of Reporters Without Borders during the second summit, see EPIC 2004: 196 and Reporters Without Borders (17.11.2005), Robert Ménard prevented from attending the UN Internet summit. Retrieved January 14, 2014, from <http://en.rsf.org/tunisia-robert-menard-prevented-from-17-11-2005,15635.html>.

¹⁴ Interviews C.D. with governmental representative at WSIS, 14.11.2007, Internet Governance Forum, Rio de Janeiro and with civil society participant, 28.2.2008, University of Bremen.

describe how these reduced the input-legitimacy of the governance process. Earlier, input-legitimacy was operationalized as the achievements of NGOs to bring a large variety of interests into the policy-process, preferably of those who are underrepresented and marginalized within international negotiations. The WSIS dealt with issues of the digital divide, i.e. the developmental aspects of the unequal distribution of information and communication technologies. Therefore people in developing countries and those without Internet access had special stakes in this negotiation process.

It is easy to comprehend these needs when it comes to proposals like “a laptop for each child” or “weather forecasts as text messages for rural peasants”. These policies are directly targeted to make the lives of underprivileged and poor people in developing countries easier and potentially better. But although the connection is less intuitive, proposals over the governance and control of the Internet is also of direct concern for people in developing countries. Internet users from developing countries are often underrepresented in the current Internet governance institutions. Therefore, Global South representatives sought to strengthen their perspective and influence through a number of factors. For example, Global South representatives advocated reducing the role of ICANN and handing Internet governance issues over to organizations where they are better represented, such as the UN special organization International Telecommunication Union (ITU).

Yet, people from developing countries were at the same time underrepresented in the WSIS negotiation process. So input-legitimacy needs to be measured according to whether the NGOs succeeded in bringing a wide variety of interests of people from developing countries into the negotiation process. However, this was not actually the case. To the contrary: The conditions for NGOs participation were favorable, with many possibilities to negotiate directly with state representatives. But as a consequence of these favorable conditions for participation, the variety of issues discussed in negotiations was limited and the interests of people from developing countries were further marginalized. Only selective NGOs actors were able to influence the policy outcomes, as they dominated the civil society organizational structures, and thus only selective demands of NGOs influenced the WSIS outcome documents. Since the WSIS was essentially a summit intended to reduce the digital divide, an issue that disproportionately affects people in developing countries, voices from Global South NGOs should have been more directly included.

For example, criticism on ICANN and the issues of multilingual top-level domains were increasingly neglected within civil society as input for the negotiations. Instead, the dominant NGOs actors were increasingly interested in solidifying their place within the negotiation process. The mainstream NGOs line of argumentation that was brought forward in the WGIG, to create a space for more multi-stakeholder discussion, thus only reflects a particular understanding of Internet governance. Many NGOs voices were lost in the process. Certain claims were favored because of the disproportionate influence of a few NGOs representatives in the Working Group on Internet Governance. This reduced interest representation and oppositional behavior can be described as adaptation or adjustment of NGOs demands. As we will see, these adjustments were driven by institutional structures, which for all intents and purposes were meant to enhance NGOs participation, and thus the legitimacy of the governance process, but which have had converse effects.

Adaptation Due to Informality of Participation

Due to the informality of much of the NGOs' participation rights, NGOs actors were inclined to adapt their demands for fear of being excluded. The practice of granting a few NGOs actors far-reaching access to working groups and state delegates is meant to secure them more access than is formally granted. Civil society

actors therefore mostly perceived informal channels for participation as something positive and enabling. Yet, the informality of much of their participation led to adaptation processes and exclusionary tendencies within civil society at the WSIS. Adjustment of NGOs demands became stronger as the summits approached their ends, because then, states needed to come to an agreement on the most contested issues and therefore tended to act exclusionary. As a response to these institutional characteristics, many NGOs actors were inclined to adapt their demands especially on the most contested issues and on the most important phases in the policy process.

The informality of the organizational process of the summits' civil society thus also led to legitimacy problems. Most importantly, the civil society structures that were created served only a minority of NGO actors; they were selectively empowering. Only a few actors, with their respective worldviews and interests, were empowered by these civil society structures which reduced the variety of input from civil society.

Adaptation Due to Blurred Roles

The somewhat far-reaching possibilities of participation also led to a blurring of roles between state representatives and NGOs actors, which led to further adjustment of NGOs claims. As the author explained above, the members of the WGIG were encouraged to understand themselves as individual partners, rather than as representatives of their respective stakeholder groups. This also increased the dependence of NGOs on the state actors. In other instances, such as when NGOs advisors became parts of national delegations, this problem was also recognized. When serving as an advisor to a national delegation, NGOs actors often lost their autonomy and their freedom to speak. Their speaking rights were officially restricted and they were threatened with exclusion from the delegation, when they would deviate from the common line of argumentation of the national delegation (Heinrich-Böll-Foundation, 2005). If they wanted to speak up about certain issues, they would have to adapt or adjust their claims. The Swiss NGOs and governmental actors did not want this and therefore opted to take on separate roles again during the second phase of the WSIS.

Adaptation Due To Power Struggles Within Civil Society: Reduced Oppositional Voice

Some actors were excluded from being able to influence the policy outcome, because they lacked the experience and resources to negotiate effectively (Busaniche, 2005, p. 49). Although it may be a rational strategy to select known and experienced people, it also minimized the diversity of NGOs claims on Internet governance. For example, NGOs representatives of the civil society Working Group on Patents, Copyrights, and Trademarks, which advocated Free Software and Open Source solutions, would have certainly contributed a different perspective on Internet governance. But because they were not considered as members of the WGIG, their perspective was lost. Many activists decided not to take part in the second phase of the WSIS anymore as a result of the problems they faced in the first phase. Furthermore, some were not interested in the narrow focus on Internet governance any more or were unhappy about how this issue was discussed among the NGO community. In light of these insights into the WSIS negotiation process, it can therefore be confirmed that "the price for inclusion in the World Summit on the Information Society—which finally has been achieved through the Working Group on Internet Governance (WGIG)—has been the erosion of an oppositional civil society within the summit itself" (McLaughlin & Pickard, 2005, p. 357).

Conclusion

The NGOs' internal legitimacy suffers when they participate in extensively in global governance

processes, for example in so-called multi-stakeholder groups. Their ability to represent a diversity of interests and marginalized groups can be compromised as actors and interests from the Global North become dominant. NGOs also need to sacrifice transparency and inclusiveness in order to tackle the demanding task of coming to an agreement with other stakeholders in a short period of time and on contested issues. Furthermore, the dominance of experienced actors from the Global North is perpetuated when a few NGOs actors are inclined to create and dominate the selectively empowering organizational processes. Also, the more functions NGOs take over in the policy process, the more they lose their independence from states.

Consequently, the participation of NGOs reduces the input-legitimacy these actors supposedly provide to governance processes. Through the legitimacy problems they encounter, NGOs also adapt their agendas and adjust what they concretely demand. During the negotiations on Internet governance at the WSIS, NGO actors had initially brought forward many different issues related to Internet governance. Increasingly, however, they focused on one issue only, securing their own role in future decision-making bodies on Internet governance. This leads the author to conclude that under the current institutional conditions for civil society participation within UN world summits, the potential of NGOs to grant input-legitimacy to a policy process is reduced. Although there needs to be more evidence from other policy processes, such as comparative studies, this case challenges the dominant assumptions about the positive effects of NGOs participation and their democratizing potential.

Why, then, is it still so widely believed that once they are allowed to participate widely, NGOs fulfill such a crucial legitimizing function in global governance? In the WSIS context, this belief remained important: When the NGOs temporarily withdrew from the negotiation process the legitimacy of the entire world summit process and its outcomes was questioned. What had happened? At the end of the first WSIS phase, shortly before the Geneva summit was about to begin, the NGOs openly announced their withdrawal from the negotiations in light of the limitations they faced. Governments had to react to this move because they had posited earlier that NGOs were indispensable to the success of the summit. Governments could not ignore this move precisely because it happened at such a vulnerable phase of the negotiation process, when participants and media observers alike were expecting the whole negotiations to end in failure.

This episode seems to contradict the authors' initial argument. It suggests that NGOs participation indeed grants legitimacy to a policy-process, at least as long as most people believe that they do. Yet, this belief does not tell anything about the normative legitimacy of a governance process. NGOs participation may increase the perception of legitimacy but not for the reasons claimed, namely, broader input and more democracy. If at all, lasting belief in the legitimizing function of NGOs participation is an indicator of empirical legitimacy, which is "the compliance with exercises of governing authority that is based on legitimating beliefs" (Scharpf, 2007, p. 7). In other words, the participation of NGOs might increase the acceptance, ratification, and implementation of the decisions by state and societal actors.

Furthermore, even if the belief in the NGOs' legitimizing function is still there, there is a danger that it will get lost soon, the more researchers and political actors alike recognize the problematic effects of NGOs participation. Under the current institutional conditions, this will likely happen. We should therefore think about how institutional conditions should be designed so as to counter this negative trend. The results of my study suggest that more formal participation could be a viable way to protect NGOs influence. This could include the formalization of participation rights and procedures from the side of the international organization as well as from the side of civil society. But at the same time, it is possible that NGOs may run into more

legitimacy problems as their participation is formally institutionalized (Nanz & Steffek, 2007, p. 107). Studies comparing cases in which NGOs participation was more informal to those in which it was more formalized are therefore needed. Furthermore, the legitimacy of NGOs seems to be less impaired when clear roles of all stakeholders are defined and distinguished, even if the point is to cooperate in the so-called multi-stakeholder governance processes. Comparative studies could also help to illuminate this assumption further.

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Regional VS. Global Patterns of Democratization: A Comparative Study

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This study analyzes the comparative patterns of democratization between geographic regions and the world. It addresses the question that how some determinants of democracy have different effects among geographical regions. Further, by comparing the similarities and differences in the patterns of democratic diffusion across regions, this study seeks to delineate what changes scholars should adopt in our epistemological approaches and methodological tools, such as the indices of democracy, in an attempt to better understand the policy implications of disparate findings from various empirical studies. As part of a larger research project, this paper focuses its attention on two of the geographical regions—Asia and the Middle East.

Keywords: democratization, determinants of democracy, levels of democracy, regional vs. global democratization.

Introduction

Democracy is a topic of interest among many scholars and practitioners of politics alike. Whether one is focused on the impact of democracy upon the global peace and stability or on its effect upon the political culture of various societies, one would eventually face the question that what promotes, as well as what hinders, the spread of democracy. There are numerous articles and books that have written on the subject, which have produced an impressive array of variables that can be incorporated in any given empirical study of democracy and democratization. Surprisingly, however, there are few studies that demonstrate a systematic comparison between regional and global patterns of democratization. There are many studies that have analyzed some of the unique situations and characteristics of disparate geographical regions of the world, but it is difficult to find a study that delineates what factors are truly unique to a region and what other ones are commonly found throughout the world. This study attempts to fill this gap in the literature. As part of a larger research project which is divided into several subsets of geographical regions,¹ this article is focused on two of them—Asia and the Middle East (Huntington, 1993a).²

An Empirical Challenge

One of the most important challenges in the empirical studies of democracy and democratization is the

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¹ The geographical regions are based on the United Nations “Country Grouping”, which divides the world into seven regions; Africa, the Americas, Asia, Europe, European Union, Middle East, and Oceania.

² The Asian countries included in this study are: Armenia, Azerbaijan, Bangladesh, Bhutan, Cambodia, China, Georgia, India, Indonesia, Japan, Kazakhstan, South Korea, Kyrgyzstan, Laos, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Tajikistan, Thailand, Turkmenistan, Uzbekistan, and Vietnam. The Middle Eastern countries included are: Bahrain, Iran, Jordan, Kuwait, Lebanon, Oman, Saudi Arabia, Syria, United Arab Emirate, and Yemen.

accurate operationalization of “democracy”. Democracy has been conceptualized and measured in different ways. Different indices have different strengths and weaknesses. As Munck and Verkuilen (2002) had pointed out, no single index offers a satisfactory response to all three challenges of conceptualization, measurement, and aggregation. There are multiple indices that have been developed over the years, among them are five well-established indices of democracy (Freedom House, 2008; Vanhanen, 1997; Przeworski, Alvarez, Cheibub, & Limongi, 2000; Reich, 2002). After examining these five indices based on the three above-mentioned challenges, Hadenius and Teorell (2005) concluded that two of them, Polity IV and Freedom House, should be preferred on the whole to the others.

Vanhanen’s index has a serious problem with its construct validity. It measures a very limited (electoral) aspect of democracy, namely, “electoral participation” and “party competition”, “The index disregards most of democracy’s procedural ingredients” (Hadenius & Teorell, 2005, p. 20). Similarly, Przeworski, Alvarez, Cheibub and Limongi (2000) focused only on democracy’s electoral side, paying no heed to political freedom. Moreover, the indices by Przeworski, Alvarez, Cheibub and Limongi (2000), as well as Reich, suffer from serious methodological and conceptual weaknesses. The former is a dichotomous, whereas the latter is a trichotomous index. Dichotomous and trichotomous indices are conceptually inappropriate to capture the entirety of the concept of democracy. One big problem with them is that we lose information about existing differences in rating between countries. Another problem is that, from a conceptual standpoint, it is somewhat unclear where the line between democracy and non-democracy should be drawn. As Elkins (2000) had shown, for example, small adjustments in the cut point can affect findings in studies of regime change substantially. Therefore, dichotomous and trichotomous indices of democracy simply are “not a proper conceptual specification of democracy in the procedural sense” (Hadenius & Teorell, 2005, p. 22). Further, Reich’s coding scheme is barely specified at all.

Further, to minimize measurement bias, they proposed an alternative index based on the average of the Polity and the Freedom House scores.

Despite various efforts to measure the concept, however, a universally acceptable index of democracy has not been made available. As most scholars would agree, some indices may be more valid than others in some respects, but no single index completely captures the concept of democracy. Given the current lack of a totally satisfactory measure of democracy, applying one, or a combination, of the existing indices to represent the entirety of the concept of democracy (particularly at all the distinct stages of its development) may actually be inappropriate. This is because there are different stages of democratic development, each of which may require a different index to capture the respective characteristics. Moreover, such a usage of different indices may be essential to capture the impact of different variables upon disparate aspects, and at different stages, of democracy (Coppedge et al., 2011, p. 252; Casper & Tuftis, 2003; Elkins, 2000; Hadenius & Teorell, 2005). Treating extant indices as distinct measures would be a more sensible approach than pretending that any one of them is by far the best measure of the concept of democracy. Indeed, Coppedge et al. (2011) explained that “the task of constructing a global index of democracy that is valid and precise, and universally acknowledged as such is well nigh impossible” (p. 252). This study utilizes two most commonly used indices of democracy—Freedom House and Polity (Coppedge et al., 2011, p. 248)—to capture the effects of some of the most representative requisites of democracy upon the “liberal” and the “electoral” aspects of democracy, respectively.

Defining Democracy

The most fundamental problem with measuring democracy is the lack of consensus on what democracy means. If you cannot agree on what it is, you cannot measure it in a universally acceptable fashion. Democracy is generally understood as rule by the people. Although this notion of the concept seems to be universally accepted, it does not render itself to any exact measurement because what constitutes rule by the people is debatable. Thus, further specifications are required. Beyond this basic, common notion, however, there is no consensus. Scholars have not come up with a single, universally accepted definition of democracy.

Despite a lack of consensus, however, most scholars seem to rely on either a “thin” or “thick” conception of democracy (Diamond, 2008). On the thin side, democracy is defined as a system “for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote” (Schumpeter, 1947). At the minimal level, if a people can choose and replace their leaders in regular, free, and fair elections, there is an “electoral” democracy. Electoral democracies, however, vary enormously in their quality. The existence of regular and competitive elections does not ensure high levels of freedom, equality, transparency, social justice, or other values that are generally considered to be essential in a democracy (Diamond, 1999). Only when these substantial measures exist, can people call a system a liberal democracy. Thus, on the thick side, a system is not a democracy unless it also ensures a range of attributes such as substantial individual freedoms. “When a democracy meets all the institutional attributes of liberal democracy, it also satisfies ‘thick’ conceptions of what a democracy should be” (Diamond, 1999, p. 10-13). These two conceptions—“electoral”, as opposed to “liberal”, democracy—are of particular importance to this article because of their relevance to the two indices of “Polity” and the “Freedom House”, respectively.

Measure of Democracy

Most empirical studies of democracy use either the Polity IV (Marshall & Jaggers, 2006) or Freedom House scores to measure democracy. The strength of Polity is the clarity of its measurement criteria. Although it has such strengths as clear and detailed coding rules, it is limited as an index because of its minimalist definition of the concept of democracy, omission of participation, and an inappropriate aggregation procedure. These shortcomings make it unfit to capture the concept of liberal democracy (Munck & Verkuilen, 2002). Particular problem is its exclusive focus on the aspects of electoral democracy with no attention to the *liberal* aspects of democracy. This weakness in the construct validity prevents it from becoming an undisputed choice of scholars. With the possible exception of freedom of organization, it pays no heed to political freedom (Hadenius & Teorell, 2005). Therefore, Polity’s primary weakness is at the conceptual level. If measuring the electoral aspect of democracy is the primary interest, Polity IV would be the choice. As Plattner (2002) emphasized, however, democracies often refer to “genuinely liberal democracies that protect the rights of their citizens and adhere to the rule of law and not merely electoral democracies that are deficient in these aspects [even though they may choose their leaders through competitive elections]” (p. 9). Polity IV, therefore, could hardly cover all aspects of democracy.

The strength of the Freedom House data set, on the other hand, is its construct validity. It covers essentially the entire range of basic democratic criteria. Particularly important is the fact that it is the closest measure of the concept of liberal democracy, whereas hardly any of the other indices covers that aspect of democracy. Based on their definition of liberal democracy, which is focused on the degree to which a political

system allows democratic rule and political liberties, Bollen and Paxton (2000) argued that, of all the subjective measures, the Freedom House ratings (2008) are the most conceptually similar to the definition of democracy, adding that other recent subjective indices do not meet the necessary criteria for accurately measuring the concept. Despite its strength, however, Freedom House has a methodological weakness due to the inadequate transparency of its coding system. Outsiders cannot replicate the process. As a result, it is hard to conclude with confidence that Freedom House is necessarily a better all-round index of democracy than Polity. Another problem is that the checklist of civil liberties was partly changed in 1989 (Freedom House, 1990). To maintain a constant measure of democracy, therefore, one may have to choose to limit the date to either before 1989 or after 1990.

Inglehart and Welzel (2009) argued that the essence of democracy lies in its empowerment of ordinary citizens and that, whether a democracy is effective or not depends not only on the extent to which civil and political rights exist on paper, but also the degree to which elected officials actually respect these rights. The existence of such rights on paper is measured by Freedom House's annual country ratings. Since the "effectiveness" of a country's democratic institutions is not measured by Freedom House, Inglehart and Welzel (2009) suggested the use of the World Bank's governance scores, in conjunction with the Freedom House scores, so that a "rough index of effective democracy can be obtained by multiplying these two scores" (p. 44). Teorell and Hadenius (2006), however, had explained their three lines of criticism of this alternative index proposed by Welzel and Inglehart in 2006, pointing out a serious problem with its construct validity. Hadenius and Teorell (2005) also found a systematic tendency of the Freedom House scores to underestimate the level of democracy, whereas the Polity scores have a systematic tendency to overestimate the level of democracy. Consequently, they recommended an alternative index of democracy by taking the average of the Freedom House and the Polity scores to minimize measurement bias. This last approach, however, represents yet another effort to produce a global index that would cover all aspects of democracy. Hence, such an index is not appropriate either.

Based on these previous findings, this study takes the view that polity best measures the electoral aspects of democracy, whereas the Freedom House data set is most suited for analyzing the impacts of variables on the liberal aspects of democracy.

Determinants of Democracy

Internationalization of National Economies

One of the most obvious changes of the post-Cold War era is the increased globalization of national economies. The volume of international commercial transactions increased dramatically after World War II, and many countries' economies became internationalized, with an increasing percentage of their Gross Domestic Product (GDP) attributable to the international exchange of goods and services. Countries now trade more freely with each other than ever before. As a result, the pace of political and economic convergence has increased dramatically over the past few decades as states have appeared increasingly similar in terms of their political structures and economic functions.

Many scholars believe that this economic globalization has weakened the individual states' control over their societies; thus, globalization promotes civil liberties and, eventually, democracy through socioeconomic development (Bhagwati, 1994; Bollen, 1979; Bollen, 1983; Bollen & Jackman, 1985; Cutright, 1963; Cutright & Wiley, 1969; Hannan & Carroll, 1981; Jackman, 1973; Lipset, 1959; Schwartzman, 1998; Thomas, Ramirez,

Meyer, & Gobalet, 1979). Some scholars argued that increasing economic integration among nations has dramatically reduced the barriers between national economies, and undermined the autonomy of national governments and their political control over their societies (Bryant, 1994; Ohmae, 1993; Rodrik, 1997; Slaughter, 1997; Thomas, 1997). These researchers argued that, as the flows of capital and information become too great and sudden for any state to control, and as various transnational and international actors such as multinational corporations, the World Bank, and the International Monetary Fund (IMF) supersede the states' autonomy, globalization erodes their authority.

Complicating the matter of these external factors eroding sovereignty, sub-national actors—such as communities, local governments, and regions within nations—also increasingly assert their claims to cultural and political autonomy (Sachs, 1998). Increasing economic internationalization narrows the range of options available to national governments in maintaining strong centralized control, as it will loosen the grip of the state over popular freedom by allowing citizens to participate in the decision-making processes concerning vital political and economic issues facing the country. This concept of the internationalization of national economies is captured by using several economic indicators: Trade, Foreign Direct Investment (FDI), Foreign Economic Aid, and GDP (Sachs, 1998; Held, McGrew, Goldblatt, & Perraton, 1999; World Bank, 2004a; World Bank, 2004b; Diamond, 2008; Sachs, 1998; Held, et al., 1999).³

Culture

Some scholars reject the claim regarding the universal effect of economic globalization on politics. They contend that the unique political culture of different nations attenuates the effects of globalization (Brown & Jones, 1995; Huntington, 1991; Huntington, 1993a; Jones, 1995; Kausikan, 1993; Tamney, 1991; Zakaria, 1994). Hence, the effects of globalization are felt differently among the different cultural groups. States' control over their citizenry remains stronger in some countries than others, thus undermining the impact of economic globalization. Huntington (1993a), for example, specifically argued that Confucian and Islamic states are different from the rest of the world in the sense that they are uniquely resilient to the liberating effect of economic globalization.

Others, however, reject such claims (Dupont, 1996; Fukuyama, 1989; Haggard, 1990; Imai, 2006; Imai, 2010; Scalapino, 1989; Tai, 1993). Despite the lack of support for individualism or transcendent law in Confucian societies, which would otherwise “provide the ground for individual conscience as the ultimate source of authority”, for instance, empirical evidence of a causal link between the lack of democratization and Confucian political culture remains missing (Fukuyama, 1995, p. 25). When the political elites insist on the uniqueness of their political culture, the so-called Confucian values are often conveniently utilized by them “to

³ Trade is used as one of the measures to gauge the extent of the internationalization of national economies. It is indexed by the state's total trade in current US dollars (millions), measured as percentage of its GDP to standardize data for the cross-national variations.

During the past two decades, international financial flows have expanded rapidly. In particular, foreign direct investment (FDI) through which foreign capital gains a controlling interest in cross-border enterprises, has experienced phenomenal growth. FDI measures the net inflows of investment acquiring a lasting management interest (10 percent or more of voting stock) in an enterprise operating in an economy other than that of the investor, and it is another ideal measure of a country's degree of economic internationalization. The data on FDI is based on balance of payments data reported by the IMF, supplemented by data on net FDI reported by the OECD and official national sources.

The GDP represents the size of a country's market and reflects the degree to which it can attract FDI and trade. As a country's economy expands through internationalization, the change in the market size may affect the state's control over the society by increasing the involvement of private interests in the country's economy. The production aspect of a country's economic internationalization can, therefore, be captured by using GDP.

establish or maintain control of their people by creating new ideological orthodoxies” (Dupont, 1996, p. 25). Similarly, various economic and political indices show that many of the Islamic states are less modernized and less democratized than the rest of the world (Hunter & Malik, 2005). They do not, however, provide any proof that Islam negatively affects democracy. In fact, the existing literature provides alternative explanations to such an account based on cultural uniqueness. By using the examples of Taiwan district, South Korea, Turkey, Malaysia, Mali, Senegal, and Bangladesh, Hunter and Malik (2005) demonstrated that neither Confucianism nor Islam is a hindrance to democracy. Imai found that neither Confucian nor Islamic societies are uniquely resistant to economic liberalization (Imai, 2006; 2010). When their respective economies developed through their internationalization, these societies turned out to be equally as likely to become democratic as any other State. In fact, many observers of Islam see no inherent or essential aspect of Islam that would make it incompatible with democracy (Ahmad, 2003; Ayoob, 2005; Diamond, 2008; Esposito, 1998; Hunter & Malik, 2005; Voll, 2005).

An all-encompassing, culturally deterministic view such as that expressed by Huntington, is therefore faced with contradictory evidence of empirical studies. Until now, no research has found any evidence of a systematic association between culture and democracy (Ross, 2001). Diamond (2008) concluded that “there is no intrinsic economic, cultural, or religious obstacle to democracy” (p. 315). Thus, based on such overwhelming evidence, this study excludes culture from its list of possible determinants of democracy.

One exception to this decision is “Islam”. It has been argued to have the largest (among all the religious categories) influence on a state’s regime type (Barro, 1999). Although the causal link between democracy and Islam has been disputed, there is an important reason to include “Islam” in this empirical analysis. “Many states with great mineral wealth also have large Muslim populations, not only in the Middle East but also in parts of Asia (Indonesia, Malaysia, Brunei) and Africa (Nigeria)” (Ross, 2001, p. 339). Therefore, to separate the impact of historical—including religious—factors from that of resource, for instance, oil wealth, it is important to use “Islam” as a control variable (Barrett, 2001).⁴

Economic Development

Among the developing countries, their level of economic development is generally believed to be one of the most important explanatory variables of democracy and democratic transition (Diamond, 1992; Foweraker & Landman, 2004; Gasiorowski, 1995; Inglehart, 1997; Lipset, 1959; Lipset, 1994). Przeworski et al. (2000), for example, concluded that “the level of economic development, as measured by per capita income, is by far the best predictor of political regimes” (p. 83). Boix and Stokes (2003) demonstrated that “more development always increases the probability that a transition to democracy will occur” (p. 531). Imai (2010) found that economic development, measured in per capita GDP, is “the most potent requisite of democracy, affecting almost all other variables, whether they are internal or external to” (p. 78) a developing country. Indeed, many scholars have examined the causal relationship between economic development and democracy and have found a consistently strong, positive relationship between them (Bhagwati, 1994; Bollen, 1979; Bollen, 1983; Bollen & Jackman, 1985; Cutright, 1963; Cutright & Wiley, 1969; Hannan & Carroll, 1981; Jackman, 1973; Lipset, 1959; Schwartzman, 1998; Thomas et al., 1979). Although some scholars (Booth & Seligson, 1993; Evans, 1979; Huntington & Nelson, 1976; Milner & Kubota, 2001; O’Donnell, 1973) have questioned some of the

⁴ *Islam* represents the percentage of the population whose professed religious affiliation is Muslim. The data after 2000 are from the CIA World Factbook (2000-2011).

arguments over this causal link, the basic premises that economic development generates a greater likelihood of democracy, and that “The more well-to-do a nation, the greater the chances that it will sustain democracy” (Lipset, 1960, p. 31) has never been refuted. As Fukuyama (1989) argued, “political liberalism has been following economic liberalism, more slowly than many had hoped but with seeming inevitability” (p. 11).

Lipset (1959) argued that “economic development involving industrialization, urbanization, high educational standards, and a steady increase in overall wealth of the society” (p. 85) is a requisite for democracy. Lerner (1968) argued that political liberalization results from urbanization because urbanization stimulates education, which in turn promotes media liberalization and thus, democratic development. Vanhanen (1997) argued that advanced literacy and education rates ultimately lead to enhanced resource distribution, paving the way for democratic reforms. Thus, economic development is captured by using several indicators: (1) GDP per capita (World Bank, 2011),⁵ representing the overall wealth of the society, measured by taking the natural logarithm, (2) industrialization, measured by the natural logarithm of industrial production⁶ in millions of dollars, (3) urbanization, measured by the urban population as percentage of the total population, and (4) Education (as explained below).

Education

It seems clear that democracy is stable in affluent societies. “The probability of [a mature democracy] collapsing is almost zero” (Przeworski et al., 2000, p. 98). One possible explanation for this may be found in education, simply because more highly educated people are more likely to embrace democratic values. Przeworski et al. (2000) argued that “Education, specifically accumulated years of education for an average member of the labor force, does increase the probability of survival of democracy at each level of income” (p. 101). They contended that the probability that a democracy will die in a country . . . [is] zero when the average worker has more than nine years of education. In terms of the stability of democracy, “education helps [LDCs] survive independently of income” (Przeworski et al., 2000, p. 137). Feng and Zak (1999) argued that democratic transitions are more likely to take place in nations where, *ceteris paribus*, the citizens are better educated. When authoritarian regimes fail to invest in health and education, wealth and power remain concentrated in the hands of the elites and the people are prevented from achieving personal autonomy, which is a necessary ingredient for democratic transformation (Diamond, 2008). As another important requisite of democracy, therefore, education is included in this analysis. It is measured by using *Literacy Rate*.⁷

Elites’ Efforts at Maintaining Control

When democracy fails to develop in a state or a new democracy fails, it is often because of bad governance, which is a natural state within human societies. Ruling elites do not naturally seek to restrain their own power and submit to the discipline of transparent laws and institutions, but, they seek to corner and monopolize power. Once their rule is established, elites use their power “to restrict economic competition so as to generate ‘rents’ that benefit the small minority of ruling elites over the broad bulk of the society” (Diamond, 2008, p. 296). Further, they use some of the rents to enforce and maintain the existing political order. This manipulation of resources for social control is called “rent-seeking”, which has the “rentier effect” to “relieve

⁵ It is measured by GDP per capita, PPP, based on the constant 2005 international dollar.

⁶ Industrial production is composed of value added in mining, manufacturing, construction, electricity, water, and gas. (Source: World Bank national accounts data, and OECD National Accounts data files).

⁷ The *Literacy Rate* represents that of all the adult population aged between 15 and 65. The data are compiled from the World Development Indicators 2008 CD-ROM and are supplemented by different editions of the World Factbook by the CIA.

social pressures that might otherwise lead to demands for greater accountability” (Ross, 2001, p. 332).

The rentier effect can be measured by two indicators of “Gov’t Consumption” (government consumption expenditure) and “Gov’t Activities” (government activities as a proportion of GDP). Ruling elites attempt to maintain their control over society by keeping some of their powerful clients, especially big businesses, as well as the general public, content with the status quo. They try to achieve this goal by providing all sorts of social programs to improve, or at least maintain, the quality of life for the target population. When the businesses and the citizens are generally content with the status quo, they put less pressure on the regime to make changes in the political and economic life of the country, and the democratization of the society may be delayed. This provision of Gov’t Consumption (measured as a percentage of GDP) on all social programs, including wages and salaries for state employees, is used to account for the countervailing effect of ruling elites’ effort to minimize the liberalizing effect of the internationalization of national economies and economic development.

The other component of the rentier effect might be called the “prevention of social group formation”. The government can use its resources and activities to “prevent the formation of social groups that are independent from the state and hence may be inclined to demand political rights” (Ross, 2001, p. 334). Since the formation of independent groups will help bring about democracy, the ruling elites try to block their formation. In particular, as governments increase in size (relative to the overall domestic economy), they are more likely to prevent the formation of civil institutions and social groups that are independent from the government, and the absence of these groups will hinder a transition to democracy (Ross, 2001). This component of the rentier effect is captured by the share of the GDP accounted for by Gov’t Activities,⁸ which are designed to prevent the development of such social groups.

Oil Resource Wealth

The success of the ruling elites’ effort to control the masses, thus to impede democracy, depends on the availability of resources with which they can co-opt the important segments of the population. The findings of some studies suggest that “a state’s reliance on either oil or mineral exports tends to make it less democratic” and this reliance on oil resource wealth is not limited to any particular geographical area of the world (Ross, 2001, p. 346). The above-mentioned “rentier effect”, measured by the indicators of Gov’t consumption and Gov’t activities, is one of the mechanisms that help explain the “oil-impedes-democracy” (Ross, 2001) claim. Since oil and mineral wealth makes governments more authoritarian (Diamond, 2008), two additional variables of oil and total natural resources are also included in this study. “They measure the export value of mineral-based fuels (petroleum, natural gas, and coal) and the export value of all natural resources, as fractions of GDP” (Ross, 2001).

Ethnic Fractionalization

Democracy flourishes when all citizens enjoy equal protection by the government regardless of differences in personal attributes. When certain segments of the population are systematically discriminated, democratization is hampered. In this sense, ethnic diversity may pose a particularly difficult challenge. Ethnic differences are often visible and unchangeable. Therefore, once they become a source of a conflict within a society, a negotiated settlement of the dispute is often hard to achieve. Some studies have shown that ethnic diversity/fractionalization is negatively correlated with economic growth, and thus democracy (Alesina, Devleeschauwer, Easterly, Kurlat, & Wacziarg, 2003; Barro, 1999; Campos & Kuzeye, 2007; Easterly, 2000). In other words, ethnic fractionalization “reduces democratic tendency by contributing to inequality” (Barro, 1999, p. 172). Therefore, “Ethnic Fractionalization” is included in this study to account for another

⁸ The data are from the Penn World Tables.

countervailing effect against democracy (Taylor & Michael, 1972; Posner, 2004).⁹

Organization for Economic Cooperation and Development

Membership in the Organization for Economic Cooperation and Development (OECD) is also included as another control variable. It is a dummy variable that is coded 1 for states that are members of OECD and 0 for all others. Previous studies have found that the advanced industrialized states of the OECD are significantly more likely to be democratic in the post-World War II era than the states of the developing world, even after the influence of income and other factors are accounted for (Burkhart & Lewis-Beck, p. 1994; Londregan & Poole, 1996; Przeworski & Limongi, 1997; Ross, 2001). Although there is no consensus as to why this is so, the OECD dummy variable helps account for any OECD specific effects, thus eliminating the possibly spurious effects of oil and total natural resources mentioned earlier because of the geographical “location of most fuel- and mineral-exporting states in the non-Western world” (Ross, 2001, p. 339).

Econometric Specifications

The period of this study is between 1990 and 2010. Because of the coding change in the Freedom House’s data set that took place in 1989, the starting date is set at 1990. All independent and control variables are lagged by five years. The lag renders more confidence on the causal link between the independent and dependent variables flows in the right direction. The five-year lag also helps with analyzing factors that have an enduring impact on democracy (Imai, 2006). The Generalized Least-Squares method is used, with pooled time-series, and cross-national data on 141 countries.¹⁰ The choice of countries is based on the size of their population (greater than 100,000) and the availability of data.

The two measures of “political freedom” and “civil liberties” of the Freedom House data set are combined and the resulting scale is converted to a 0-10 scale. Following Londregan and Poole, the two 0-10 interval scale variables, “DEMOC” and “AUTOC”, of Polity IV data set are combined into a single indicator by subtracting the autocracy measure from the democracy measure and by re-scaling the resulting -10-10 scale as a 0-10 scale (Londregan & Poole, 1996). The original values for Freedom House scores are inverted so that both Freedom House and Polity vary between 0 (least democratic) and 10 (most democratic).

Statistical Controls

Pooled time-series models require special statistical considerations. The Ordinary Least Squares (OLS) model, for example, is not automatically applicable to pooled time-series analyses because it ignores the pooled structure of the data. OLS treats each case/observation as independent of all others, not as part of a set of

⁹ The data are from multiple issues of The CIA World Factbook (1985 - 2011).

¹⁰ The 141 countries included in this study are: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Democratic Republic of the Congo, Republic of the Congo, Costa Rica, Cote d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Republic of Korea, Kuwait, Kyrgyz Republic, Laos, Latvia, Lebanon, Libya, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Romania, Russia, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Switzerland, Syria, Tajikistan, Tanzania, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

related observations. However, when systematic relationships among cases exist, regression analysis' applicability remains questionable unless statistical controls are introduced.

Two particular violations are likely to accompany pooled data. First, the cases may not be independent along the time dimension within units, in which case autocorrelation would bias the statistical findings. Second, a form of heteroscedasticity is likely to be present in pooled data. For a variety of reasons, some units (i.e., states) are more variable than others at all times. For example, some states may show a wider range of variations in the value of some of the variables than other states.

Many of the independent variables included in the model—Trade, FDI, Economic Aid, Industrialization, Gov't Consumption, and Gov't Activities—are divided by GDP. Thus, their values are standardized across countries and time, minimizing autocorrelation and heteroscedasticity problems. Any variations in these independent variables would be independent of systemic, time-serial biases. The heteroscedasticity bias for the other variables is minimized by conducting their log-transformation. Their possible auto-correlation bias is minimized by introducing a set of 20 dummy variables for years (1990 through 2010, less one) and a lagged dependent variable in the model.

Table 1

Generalized Least Squares Regression on Democracy, Measured by Freedom House Data Set

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Trade	-0.001	-0.001	0.001	0.001	-0.002*	-0.002*
FDI	-0.009	-0.009	-0.011	-0.010	-0.011	-0.010
Economic Aid	0.009*	0.011**	0.004	0.002	0.001	0.003
GDP	-0.203***	-0.219***				
GDP per capita	0.659***	0.574***				
Industrialization	-0.010	-0.026				
Urban Population	0.009***	0.009***				
Literacy Rate	0.008***	0.007***				
Gov't Consumption	-0.001	-0.000	0.010	0.009	0.001	0.001
Gov't Activities	-0.004	-0.004	-0.011*	-0.011*	-0.006	-0.006
Oil	-0.024***	-0.019***	-0.023***			
Total N. Resources	-0.022***	-0.019***	-0.022***			
OECD	0.217*	0.236*	0.536***	0.535***	0.527***	0.0532** *
Islam	-0.004***	-0.005***	-0.005***	-0.004***	-0.004***	-0.004***
Ethnic Fraction	-0.044	-0.042	-0.233	-0.216	-.124	-0.118
Constant	3.246***	2.910***	0.808**	0.709**	0.956**	0.727*
Democracy _(t-6)	-0.736***	-0.739***	-0.766***	-0.764***	-0.735***	-0.737***
Observations	2,624	2,624	2,624	2,624	2,624	2,624
States	141	141	141	141	141	141
Log Likelihood	-4,611	-3,431	-4,631	-4,628	-4,599	-4,600

Note. *significant at the 0.05 level; ** significant at the 0.01 level; *** significant at the 0.001 level.

All independent and control variables are lagged by five years. Generalized Least Squares regressions were run; corrected for first-order autocorrelation using a panel-specific process. For the sake of parsimony of presentation, the dummy variables for years are not listed.

Including the lagged dependent variable, Democracy_(t-6), in the model serves several purposes. First, it

helps capture any (historical, cultural, or otherwise) country-specific factors that may be missed by the explanatory and control variables. In other words, it works as a proxy control for other potential determinants of democracy not included in the model. Second, it “helps turn the equation into a change model, transforming the dependent variable from regime type [democracy] to the change in a country’s regime type [degree of democracy] over a given five-year period” (Ross, 2001, p. 339). Third, it helps address the problem of serial correlation, which often plagues pooled time-series, cross-sectional data such as the ones used in this study (Stimson, 1985). Fourth, it helps to control for the possibility of “endogeneity bias; that is, causality running in the direction from democracy to the explanatory variables instead of vice versa” (Teorell, 2010, p. 171).

Findings

In order to detect region-specific patterns of democratization, the global patterns need to be examined first. Tables 1 and 2 demonstrate the global patterns based on the two indices of democracy, Freedom House and Polity, respectively. Tables 3 and 4 will show the statistical results for Asia and Tables 5 and 6 will show the results for the Middle East. Special attention will be paid to the patterns unique to the two geographical regions.

As discussed earlier, the effect of increased internationalization of national economies on democracy does not seem to be straightforward. Whether or not it contributes positively to a nation’s democratization process seems to depend on how far advanced its economy is as well as which indicators are used to measure the concept. Trade, Economic Aid, and GDP demonstrate an impact on democracy when controlled for OECD. In other words, among the lesser-advanced economies (other than OECD member states), increased internationalization of their national economies, measured by Trade or GDP, stagnates the advancement of democracy. This may be because the elites are in a much better position than the general public to profit from the earlier stages of economic growth, thus continuing to dominate the society by taking advantage of their control over resources, both financial resource and others. Only after achieving full industrialization will the increased internationalization of a state’s economy contribute positively to its democratization. All of the coefficients for OECD are highly statistically significant and show some of the largest impacts on democracy. The only exception to the “negative” impact of internationalization of national economies among the lesser-developed countries is foreign Economic Aid. The positive effect of Economic Aid may be explained by the conditions the donor countries attach to their economic aid, such as the need for political and economic liberalization of the recipient countries.

Economic development has been proven to be an important determinant of democracy measured by the Freedom House scores. Three of the four indicators—GDP per capita, Urban Population, and Literacy Rate—are highly statistically significant and exhibit a positive effect on democracy. In fact, GDP per capita shows the largest impact among the variables included in the models 1 and 2. Whenever a country’s economy develops, the purchasing power of local consumers subsequently increases. GDP per capita measures a significant part of this purchasing power, despite limitations involving cost-of-living differences (Sachs, 1998). The changes in GDP per capita affect the state’s ability to control the society because, *ceteris paribus*, the greater the number of private capitalists participating in the economy, the more economic and political influence they obtain. Their increased economic and political influence, in turn, diminishes state control. Other things being equal, therefore, increased purchasing power of the general public (GDP per capita) contributes to democratization.

Democracy is also believed to be stable in affluent societies because their citizens are more highly

educated than those in poorer states, and because more highly-educated people are more likely to embrace democratic values. The findings in Table 1 provide support for this argument. Although its impact may be less than that of some other variables, the coefficients of Literacy Rate show a highly significant, positive impact. Another indicator of economic development, Urban Population, also exhibits a statistically significant, positive impact on democracy. Other things being equal, economic development leads to the development of urban centers with an increased concentration of population, and subsequently, the development of the middle class. As the middle class expands, the income equality among the people increases, thus contributing to the democratization of the country.

Table 2

Generalized Least Squares Regression on Democracy, measured by Polity IV Data Set

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Trade	-0.003**	-0.002**	-0.001	-0.001	-0.004***	-0.004***
FDI	-0.008	-0.007	-0.009	-0.008	-0.010	-0.009
Economic Aid	0.014**	0.016***	0.003	0.005**	0.011*	0.013**
GDP					-0.209***	-0.205***
GDP per capita	0.481***	0.416***				
Industrialization			-0.022	-0.037		
Urban Population					0.007***	0.006**
Literacy Rate					0.012***	0.011***
Gov't Consumption	-0.022***	-0.021***	-0.013*	-0.014*	-0.023***	-0.023***
Gov't Activities	0.007	0.007	0.001	0.003	0.009	0.009
Oil	-0.022***		-0.019***		-0.023***	
Total N. Resources		-0.022***		-0.020***		-0.022***
OECD	0.328*	0.372**	0.396***	0.397***	0.431***	0.452***
Islam	-0.006***	-0.006***	-0.006***	-0.006***	-0.005***	-0.005***
Ethnic Fraction	-0.144	-0.141	-0.295*	-0.279*	-0.103	-0.098
Constant	1.190**	1.472***	2.829***	2.975***	2.664***	2.890***
Democracy(t-6)	0.719***	0.717***	0.733***	0.729***	0.706***	0.705***
Observations	2,624	2,624	2,624	2,624	2,624	2,624
States	141	141	141	141	141	141
Log Likelihood	-4,933	-4,932	-4,942	-4,939	-4,912	-4,912

Note. *significant at the 0.05 level; ** significant at the 0.01 level; *** significant at the 0.001 level.

All independent and control variables are lagged by five years. Generalized Least Squares regressions were run; corrected for first-order autocorrelation using a panel-specific process. For the sake of parsimony of presentation, the dummy variables for years are not listed.

Elites' efforts to maintain control over the society seems to have a limited effect. Gov't consumption expenditure shows no statistically significant impact, although Gov't activities show some statistically significant, albeit small, negative effect on democracy when it is measured by Freedom House. It seems that, despite the elites' intent, Gov't consumption, which provides all sorts of public programs to sustain a certain

quality of living within the society, actually slowly creates a favorable condition for the emergence of democratic movements.

The aforementioned “oil-impedes-democracy” claim is supported by the evidence in Table 1. Both oil and total natural resources show a highly statistically significant, negative impact on democracy. When oil is a country’s dominant export, huge amounts of revenue flow from outside the country directly into the coffers of the state, and the state becomes the most powerful economic actor. Consequently, the people become dependent on the state and the democratization of the country is compromised (Diamond, 2008). As total natural resources shows that this effect of “external rents”, or the “rentier effect”, is observable whether the revenue comes from the export of oil or some other natural resources such as gold, natural gas, coal or diamonds.

Table 3

Generalized Least Squares Regression on Democracy, Asia, measured by Freedom House Data Set

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Trade	-0.001	-0.001	0.001	0.001	-0.005**	-0.004**
FDI	-0.057***	-0.058***	-0.049***	-0.050**	-0.062***	-0.063***
Economic Aid	-0.103	-0.065	-0.486*	-0.470*	-0.458*	-0.443*
GDP					-0.337*	-0.356*
GDP per capita	0.663*	0.677*				
Industrialization			-0.163	-0.178		
Urban Population					0.023***	0.023***
Literacy Rate					0.001	-0.001
Gov't Consumption	0.030	0.032	0.050*	0.052	0.002	0.005
Gov't Activities	-0.034	-0.033	-0.061*	-0.061*	-0.041	-0.042
Oil	-0.011***		-0.011***		-0.013***	
Total N. Resources		-0.011***		-0.012***		-0.013***
OECD	-0.410	-0.406	0.213	0.239	0.079	0.115
Islam	0.001	0.001	0.001	0.001	0.001	0.001
Ethnic Fraction	-0.770*	-0.755*	-0.658	-0.639	-0.047	-0.043
Constant	-3.079*	-3.182**	0.267	0.306	0.676	0.825
Democracy _(t-6)	-0.725***	-0.721***	-0.741***	-0.737***	-0.700***	-0.698***
Observations	452	452	452	452	452	452
States	26	26	26	26	26	26
Log Likelihood	-777	-777	778	-778	-766	-766

Note. *significant at the 0.05 level; ** significant at the 0.01 level; *** significant at the 0.001 level. All independent and control variables are lagged by five years. Generalized Least Squares regressions were run; corrected for first-order autocorrelation using a panel-specific process. For the sake of parsimony of presentation, the dummy variables for years are not listed.

The regression results in Table 2 appear similar to Table 1 for many of the variables, but they contain some important differences that suggest different utilities for the Freedom House and the Polity data sets. Some of the indicators of the internationalization of national economies, for example, continue to show the same

effects as observed in Table 1. Trade and GDP demonstrate a negative impact, whereas Economic Aid displays a positive impact. The difference is that the findings on Trade and Economic Aid seem more robust here than in Table 1. In other words, these two variables seem to exert a more consistent effect on democracy when it is measured by Polity than by Freedom House.

Economic development may also appear to demonstrate the same effects in Table 2 as in Table 1. On closer analysis, however, its indicators tell a different story. Although GDP per capita, urban population, and literacy rate all exhibit the same positive effect, the magnitudes of their impacts are different between Tables 1 and 2.¹¹ GDP per capita and urban population seem to have a lesser impact on democracy when it is measured by Polity than by Freedom House. At the same time, Literacy Rate seems to exert slightly more impact on democracy measured by Polity than by Freedom House.

Moreover, elites seem to be able to control the society, and thus prevent democratization better with the use of Gov't consumption. Although Gov't activities does not show any effect, Gov't consumption seems to help regimes with stymieing the democratic process. All its coefficients in Table 2 show a consistent, and statistically significant, negative effect of government final consumption expenditures on democracy measured by Polity. This almost complete reversal of findings between Freedom House (see Table 1) and polity (see Table 2) seems to support the above-mentioned argument on the different utilities between them. Ethnic Fractionalization, too, shows some sign of impact on democracy when it is measured by using the polity scores. Unlike in Table 1, Ethnic Fractionalization displays a rather strong, negative impact on democracy in Table 2.

As for oil and total natural resources, the regression results in Table 2 are almost exactly the same as in Table 1. No matter which indicator is used, "oil resource wealth" turns out to be a curse in terms of successful development of democracy. This seems to be true regardless of how advanced a country's economy is. In fact, the impact of OECD is more attenuated when democracy is measured by polity than when it is measured by Freedom House. The coefficients of OECD indicate a smaller effect of advanced industrialization on democracy measured by Polity (see Table 2) than on democracy measured by Freedom House (see Table 1). Its coefficients are consistently larger in Table 1 than in Table 2, and they are all significant in Table 1.

The elites' efforts to control the society seem to produce less success in Asia than in the rest of the world. While Gov't activities show some negative impact in Models 3 and 4 in both Tables 3 and 4, Gov't Consumption does not show any sign that elites successfully stymy the democratization of Asian societies. In fact, instead of having a negative impact, Gov't consumption has a positive impact on democracy in Asia, when it is measured by Freedom House. Although oil and total natural resources have the same, negative effect on democracy in Asia as in the rest of the world, Asian regimes' control over their societies overall seems to be less tight when compared to the global average.

The null findings on OECD and Islam are interesting given the fact that these two variables show a highly significant impact on both "electoral" and "liberal" democracies in Tables 2 and 1, respectively. One quite possible explanation would be the lack of diversity among these countries in Asia. Of the 26 Asian countries included in this study, only Japan and South Korea belong to the OECD. When controlled for the other economic variables, the OECD membership, which is in essence another measure of the level of economic

¹¹ Ordinarily, the coefficients from one regression cannot be compared with those from another regression. In this case, however, all the variables, and their combinations, remain exactly the same. Furthermore, the range of values of the Freedom House and Polity scores are set to be exactly the same; a scale of 0-10. Therefore, it is reasonable to compare the coefficients between the two Tables and draw an inference.

development, does not explain the variations among these Asian states in terms of their degrees of either electoral or liberal democracy.

Further, the complete absence of the effect of Islam among the Asian countries seems to directly contradict the argument made by some scholars concerning the negative influence of Islam on democracy. While the negative findings on *Islam* in Tables 1 and 2 may seem to support the general perception of its negative impact, the null findings in Tables 3 and 4 clearly indicate that the former findings represent the influence of some factors other than that of Islam per se. This suggests a strong need for finding the exact cause of the lack of democracy among Islamic societies which are often detected when scholars rely on global aggregate data.

Table 4

Generalized Least Squares Regression on Democracy, Asia, measured by Polity data set

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Trade	-0.002	-0.002	-0.001	-0.001	-0.008***	-0.008***
FDI	-0.073**	-0.075***	-0.066**	-0.068**	-0.082***	-0.083***
Economic Aid	0.142	0.191	-0.221	-0.209	-0.157	-0.152
GDP					-0.394	-0.429*
GDP per capita	0.484	-0.495				
Industrialization			-0.183	-0.211		
Urban Population					0.031***	0.031***
Literacy Rate					0.001	0.000
Gov't Consumption	0.026	0.028	0.041	0.044	-0.029	-0.024
Gov't Activities	-0.050	-0.048	-0.074*	-0.074**	-0.037	-0.038
Oil	-0.015***		-0.015***		-0.016***	
Total N. Resources		-0.017***		-0.018***		-0.018***
OECD	-0.192	-0.175	0.336	0.384	0.037	-0.092
Islam	0.000	0.000	0.000	0.000	0.001	0.001
Ethnic Fraction	-0.200	-0.188	-0.111	-0.092	0.706	0.707
Constant	1.327	1.317	4.080	4.276***	4.768**	5.102***
Democracy _(t-6)	0.721***	0.711***	0.726***	0.717***	0.709***	0.701***
Observations	452	452	452	452	452	452
States	26	26	26	26	26	26
Log Likelihood	-913	-911	-913	-911	-901	-899

Note. *significant at the 0.05 level; ** significant at the 0.01 level; *** significant at the 0.001 level. All independent and control variables are lagged by five years. Generalized Least Squares regressions were run; corrected for first-order autocorrelation using a panel-specific process. For the sake of parsimony of presentation, the dummy variables for years are not listed.

When you measure democracy in Asia by using polity (see Table 4), Ethnic fractionalization shows no effect. When democracy is measured by Freedom House (see Table 3), however, this variable shows a very

strong and negative impact. In fact, under Models 1 and 2 in Table 3, Ethnic fractionalization shows the strongest impact on democracy. The absence of its impact on polity in Asia, while its impact is clearly negative for the entire world, is also intriguing. These findings are noteworthy and may contain some very important information on the regional political life in Asia. Due to the limitation of space, however, the discussion will have to be reserved for future research.

Tables 5 and 6 demonstrate the regional patterns of democratization in the Middle East, which turned out to be quite different from the global patterns. Unlike in Asia, hardly any of the indicators of internationalization of national economies show any effect. Trade and Economic Aid, for example, show no influence on the democratization in the region (see Tables 5 and 6). Just as in Asia as well as in the rest of the world, *GDP* demonstrates a negative impact on the democratization process in the Middle East. Further, as in the rest of the world, *FDI* leaves no mark on the democracy in the Middle East when it is measured by Polity. When the levels of democracy among the Middle Eastern societies are measured by using Freedom House, however, *FDI* turns out to be a statistically significant, negative factor (Table 6). The latter finding is corroborated by the finding on Asia.

Table 5

Generalized Least Squares Regression on Democracy, Middle East, measured by Freedom House data set

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Trade	0.002	0.002	0.001	0.001	-0.002	-0.002
FDI	-0.058*	-0.058*	-0.060**	-0.060**	-0.066**	-0.066**
Economic Aid	0.222	0.222	0.100	0.100	-0.005	-0.005
GDP					-1.145***	-1.145***
GDP per capita	-0.109	-0.107				
Industrialization			-0.296	-0.295		
Urban Population					0.035**	0.035**
Literacy Rate					-0.020	-0.020
Gov't Consumption	0.018	0.018	0.019	0.019	-0.031	-0.031
Gov't Activities	0.105**	0.104**	0.098**	0.097**	0.185***	0.185***
Oil	0.007		0.007		0.000	
Total N. Resources		0.007		0.007		
OECD						
Islam	-0.016	-0.016	-0.011	-0.011	0.010	0.010
Ethnic Fraction	0.250	0.248	0.340	0.338	-0.309	-0.309
Constant	-0.882	-0.890	-0.341	-0.341	1.609	1.617
Democracy _(t-6)	-0.833***	-0.832***	-0.821***	-0.820***	-0.712***	-0.712***
Observations	163	163	163	163	163	163
States	10	10	10	10	10	10
Log Likelihood	-181	-181	-180	-180	-172	-172

Note. *significant at the 0.05 level; ** significant at the 0.01 level; *** significant at the 0.001 level. All independent and control variables are lagged by five years. Generalized Least Squares regressions were run; corrected for first-order autocorrelation using a panel-specific process. For the sake of parsimony of presentation, the dummy variables for years are not listed.

Similarly, unlike in the findings for the entire world, economic development makes little difference in the democratization of the Middle East. As the statistical results in Table 5 and Table 6 make it clear, none of the three indicators of economic development—GDP per capita, Industrialization, or literacy rate—makes any contribution toward the democratization in the region. The only indication that economic development may matter even in the Middle East is the positive contribution of Urban Population toward “liberal” democracy, measured by Freedom House (see Table 5). The complete absence of the impact of Literary Rate in the Middle East, as in Asia, further indicates the lesser impact of economic development on democracy in these regions. Given that, many empirical studies have found economic development to be one of the most important requisites of democracy and democratization, these null-findings suggest that there must be some factors unique to these geographical regions which have not been covered by these, most-popularly-used independent variables. Such factors may hold critical keys to the democratization in these regions.¹²

Table 6

Generalized Least Squares Regression on Democracy, Middle East, measured by Polity Data Set

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Trade	0.003	0.003	0.001	0.001	-0.002	-0.002
FDI	-0.002	-0.002	-0.006	-0.006	-0.004	-0.004
Economic Aid	0.245	0.245	-0.125	0.126	0.045	0.045
GDP					-1.045**	-1.047**
GDP per capita	-0.419	-0.423				
Industrialization			-0.440	-0.442		
Urban Population					0.011	0.011
Literacy Rate					0.013	0.013
Gov't Consumption	-0.016	-0.016	-0.019	-0.019	-0.056*	-0.056*
Gov't Activities	0.133*	0.133**	0.131**	0.132**	0.214***	0.214***
Oil	-0.014		-0.016		-0.012	
Total N. Resources		-0.014		-0.016		-0.012
OECD						
Islam	-0.000	-0.000	0.012	0.012	0.024	0.024
Ethnic Fraction	-0.077	-0.071	-0.089	-0.084	-0.991	-0.989
Constant	1.995	1.995	1.675	1.665	2.687	2.682
Democracy _(t-6)	0.553***	0.554***	0.550***	0.551***	0.551**	0.551***
Observations	163	163	163	163	163	163
States	10	10	10	10	10	10
Log Likelihood	-223	-224	-223	-223	-220	-220

Note. *significant at the 0.05 level; ** significant at the 0.01 level; *** significant at the 0.001 level. All independent and control variables are lagged by five years. Generalized Least Squares regressions were run; corrected for first-order autocorrelation using a panel-specific process. For the sake of parsimony of presentation, the dummy variables for years are not listed.

¹² Since the impact of Islam as a negative influence has already been refuted by the above findings, Islam should be excluded from the search for these additional factors.

The Middle Eastern regimes' success in maintaining their control over the societies through Gov't consumption expenditures (see Table 5 and 6) is consistent with the global pattern. Their efforts through Gov't activities, however, seem to produce an unexpected result on democracy. This is possibly because the "activities" regimes provide to placate the public, such as those designed to maintain a decent standard of living, are also making it possible for the masses to think of some other improvements in their life such as greater civil liberties and political freedom. As a result, the societies begin to move toward electoral democracy and later, toward more mature, liberal democracy.

As for the other control variables—oil, total natural resources, Islam, and ethnic fractionalization—no effect is detected on either Freedom House or Polity. This may be explained simply by the limited variations among these 10 Middle Eastern states. The effect of oil on democracy, for example, can be detected only when there is a statistically significant difference between states in terms of their reliance on oil. The null-findings on Islam are even more apparent because all of these Middle Eastern states are Islamic and there are hardly any variations among them in terms of the percentage of Muslims in their total populations. Finally, since none of these states belongs to the OECD, the variable, OECD, was omitted from the models in Tables 5 and 6.

Discussion

Global Patterns

Based on the assumption that Freedom House measures "liberal" democracy and *Polity* measures "electoral" democracy, the above findings in Tables 1 and 2 can be re-stated as follows. First, internationalization of national economies affects both electoral and liberal democracies. Its impact, however, is felt differently between them. Trade and Economic Aid, both of which have a more immediate impact, seem to affect "electoral" democracy more than they affect "liberal" democracy. GDP, which reflects a slightly longer-term effect as well as the overall economic growth, shows a negative impact on both liberal and electoral democracies. As the strong, consistent and positive finding on OECD demonstrates, economic growth begins to positively contribute to a society's democratization when it has achieved industrialization.

Second, economic development positively affects both electoral and liberal democracies. However, its effect is felt differently between the two types of democracies. Increases in GDP per capita and urban population proved to be more critical for the emergence of liberal democracy than electoral democracy. Also, as the more consistent and larger impacts of OECD in Table 1 (as opposed to Table 2) demonstrate, the maturity of democracy (judged by the emergence of liberal democracy) seems to depend more heavily on the full industrialization of the society. Literacy rate, is more likely to affect the emergence of electoral democracy than liberal democracy.

Third, the success of elites' efforts to maintain control over the society depends on the maturity of democratization. In particular, as the economy develops, elites become less able to prevent, or delay, the advancement of liberal democracy, although they seem to have more leeway in compromising electoral democracy by co-opting the important segments of the population through Gov't consumption. The utility of such tools of manipulation, however, dissipates quickly after the society matures as an electoral democracy and its greater political liberalization starts.

Fourth, oil resource wealth is a curse regardless of the maturity of democracy. It is often argued that, over time, as a consequence of economic development and all the positive social changes it brings about with it (particularly if they are supported by economic and political assistance from Western democracies to reform

governance, build democracy, and strengthen civil society), democracy will continue to spread throughout the world. In fact, despite recent reversals, democracy seems to be slowly, but surely, becoming an increasingly universal value (Diamond, 2008). However, this seemingly inevitable transition to democracy may not happen when the elites regimes control abundant natural resources such as oil, which give them almost total control over the nation's economy. When the main source of national income is controlled by the state, the "classic driver of Western democratization—the bourgeoisie, or independent capitalist class—does not emerge" (Diamond, 2008, p. 75).

Fifth, ethnic fractionalization seems to indicate one of the fundamental differences between electoral and liberal democracies. Social factors, such as ethnic fractionalization, may exert a significant, albeit negative impact on the emergence of electoral democracy. For the emergence of a more mature (liberal) form of democracy, however, social factors appear to be less important. In turn, economic factors, such as economic development, seem to overshadow social factors. It seems that, by the time a society evolves from an emerging (electoral) to a more mature (liberal) democracy, it has to have worked out most of existential security issues such as power-sharing among different ethnic or religious groups. Subsequent democratization depends on people's capabilities to demand further reforms in the society. Such capabilities, in turn, depend on people's financial freedom from state control.

Regional Patterns

Compared to the above-findings, there are various differences and similarities of the patterns of democratization between Asia and the Middle East as well as between these two regions and the world. While they all are interesting pieces of information, this section is focused on the regional distinctions. The comparisons of the findings from these two regions and those from the entire world will provide additional insights into the above-stated summary.

Since most of the countries in Asia are still underdeveloped economically, trade does not help benefit the general public as much as it does the elites, thus failing to contribute to the democratization. The same is true with the countries in the Middle East, except that, since their dependence on trade other than their export of oil is rather limited, trade shows no effect on their democratization. These findings suggest that a country has to experience a rather substantial extent of internationalization of its economy before trade begins to contribute to its democratization. Since all these Middle Eastern countries rely heavily on oil and have few other items to trade, when the data is controlled for oil and total natural resources, trade shows no effect.

The negative effects of trade on the development of democracy (see Tables 1-4) may reflect the data from the countries, or regions, where the elites have greater than (global) average success in maintaining the control over their societies—perhaps through corruption and co-opting the important segments of the population such as the economic elites. This explanation seems to apply to all the other indicators of the internationalization of national economies.

The findings in Tables 1 and 2 support the argument on the positive contribution of economic development to democracy and democratization throughout the world. Indeed, numerous empirical studies have reached the same conclusion based on their analyses of global aggregate data. The findings on Asia and the Middle East, again, show some regional differences. While most of the indicators for Asia in Tables 3 and 4 support the same, positive impact of economic development as for the entire world, the complete absence of the impact of literacy rate is puzzling. This may reflect the fact that literacy rate is measured differently in some

societies than in most of the rest of the world. In Pakistan and Afghanistan, for example, the Madrasas—the Islamic religious schools—are included in their account of schooling. Their contribution to political and economic liberalization of their societies may be negligible, and may be even negative.

As for the Middle East, the finding on urban population in Table 5 supports the general argument on the positive contribution of economic development to liberal democracy. All the other indicators for economic development, including again those for literacy rate, however, failed to show any effect on either electoral or liberal democracy. This near total absence of influence according to the indicators of economic development requires further study. Globally, an improvement of GDP per capita increases the chance of achieving both electoral and liberal democracies. In the Middle East, however, the same improvement does not by itself increase the chance of their democratization. Moreover, the complete absence of the impact of literacy rate on democracy in both Asia and the Middle East, despite its positive findings in Tables 1 and 2, attests to the need for further research.

Another major area of incongruence between the global patterns of democratization, on the one hand, and those of these two geographical regions, on the other hand, is the effect of the “Elites efforts at maintaining control”. While the findings on the global aggregate data demonstrate the negative effects of Gov’t consumption and Gov’t activities, those in the two regions of Asia and the Middle East exhibit unexpected results. Gov’t consumption shows a positive impact on the development of the liberal democracy, while it has no effect on the electoral democracy in Asia. Further, while the regimes in Asia succeed in discouraging the development of both the electoral and liberal democracies via Gov’t activities, such efforts by the regimes in the Middle East actually produce reverse effects on both the electoral and liberal democracies. These peculiar findings demand further research on the political life in these geographical regions as well.

Finally, the regional findings on ethnic fractionalization are also peculiar. Among these 10 Asian states, ethnic fractionalization does not have any statistically significant influence on electoral democracy, though it does hamper the development of liberal democracy. This directly contradicts the afore-mentioned explanation that, by the time “liberal” democracy starts developing in a society, it has worked out various “existential” issues such as the ethnic fractionalization. In the case of the Middle East, ethnic fractionalization demonstrates no effect on either “electoral” or “liberal” democracy. While the latter null-findings may be explained simply by the limited diversity among the populations in many of the Middle Eastern societies, these unique regional patterns of democratization demand further empirical analysis.

Conclusions

This study attempted to detect the idiosyncrasy of democracies in Asia and the Middle East. It has found various unique characteristics as well as commonalities between these two geographical regions and the rest of the world in terms of the determinants of the levels of democracy. Moreover, by using the two indices of democracy—Polity and Freedom House—this article has demonstrated the importance of making a clear distinction between electoral and liberal democracies in democracy studies.

While this study has accomplished what it has set out to achieve, it has also uncovered some very interesting questions that need to be answered in the future research. The scope and the limited space of the current article do not allow any further discussion of the unique findings here, but the findings indicate the strong need for further studies to establish a detailed body of knowledge that delineates a systematic link between the determinants of democracy and their effects on the states within each of the geographical regions

of the world. This study has clearly shown the need to go beyond the one-size-fits-all explanations of the determinants of democracy based on the global aggregate data. The findings of this article have demonstrated the strong need to move more toward region-based quantitative analyses of democracy and democratization.

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Gender Mainstreaming Policy: Development and Culture in Taiwan^{*}

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The gender mainstreaming policy has developed with the change of culture in Taiwan from 2001 to 2012. Based on literature review, this paper discusses the change of culture and the development of gender mainstreaming policy with “Gender at Work Framework” to explain the difference between change at the formal, organizational level and change at the informal and personal level for addressing the root causes of gender equality. This research finds that to achieve gender mainstreaming policy goal, the government has to foster robust, and sound cultural basis for the society.

Keywords: gender mainstreaming policy, gender equality, cultural change

Introduction

The idea of gender mainstreaming was first proposed in 1985 at the United Nation (U.N.) in Nairobi, and later featured as a formal concept in 1995 at the Fourth World Conference on Women in Beijing. It is a strategy for addressing inequality between the genders in the sharing of power and decision making at all levels. The ultimate goal of gender mainstreaming policy is to achieve gender equality. This paper discusses the relationship between the change of culture and the development of gender mainstreaming policy in Taiwan from 2001 to 2012 and explain the difference between change at the formal, organizational level and change at the informal and personal level for addressing the root causes of gender equality.

Methodology

The method to carry out this research is document analysis. The literature data collected in the paper is mainly using the query system in Ministry of the Interior Statistics of Taiwan to search for gender statistics on the key concepts of gender mainstreaming, gender equality, and cultural change. The related literature and the theory collection are further consolidated and studied.

Literature Review

Gender Inequality and Socialization

The paper applies analytical feminism to discuss the varied contributions to the field. According to analytical feminism’s argument, a state is interpreted as the centralized, main organizer of gender power, working in part through the manipulation of public and private spheres (Connell, 1990). Like the state which

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has a monopoly on legitimate force, Spike Peterson (1992) pointed out that,

The institution of marriage has a monopoly on legitimate reproduction and property inheritance and acts as a protection racket. Women seek security in marriage or marriage like relationships and the protection of a husband from the violence of other men or males in general, which devalues work associated with women. (p. 53)

In addition, True (2005) argued that “men are socialized to identify with constructions of masculinity which emphasize autonomy, male superiority, fraternity, strength, public protector roles” (p. 224). She (2005) also argued that “women, on the other hand, are taught to defer, as wives and daughters, to the protection and stronger will of men, while providing the private emotional, economic and social supports for men” (p. 224).

Change of Social Structure and Cultural Shifts

Molen and Novikova (2005) discussed the impacts of economic transition and liberalization to women in the early 1990s Baltic State. They argued that a lack of information and expertise within newly established gender equality units, rapid changes in national governments, and political ideologies regarding the role of women hampered effective gender mainstreaming in these countries. This trend led to women who were minority groups or working in low pay sectors to become more vulnerable in illegal migration and trafficking for sexual purpose.

Inglehart and Norris (2003) argued that change of social structure fuelled virtually more egalitarian attitudes towards women in any society. Then it brings systematic, predictable changes in attitudes towards gender roles. Cultural change in attitudes toward the gender roles can thus be regarded as a necessary, although not sufficient, condition for the consolidation of gender equality (Inglehart & Norris, 2003, p. 153).

Gender Mainstreaming and Cultural Change

Rao and Kelleher (2005) formulated “the Gender at Work framework” (see Figure1) to explain the difference between change at the formal, organizational level and change at the informal and personal level for addressing the root causes of gender equality.

The framework has four Tables to explain different kinds of change. Changes in Table 2 and Table 3 focus on the tangible changes, which means that they are easy to see or to verify. While Tables 1 and 4 help us understand changes at the more informal, intangible levels of consciousness and culture, which are more difficult to notice or verify.

In order to bring about gender equality, change must occur at social structure. Change of social structure makes women’s access to resources (voice, access to health, budget, etc) easily (see Table 2). When women are easy to access their resources, they will be aware about gender and their right in a society (see Table 1). When women are more aware about struggle for their higher status, this trend will become a kind of culture. Therefore, government will make policy to enhance their rights (see Table 3). This favorable gender policy for women will increase informal cultural norms and inclusionary practices (see Table 4) (Kloosterman, Benning, & Fyles, 2012, p. 538-539). Figure1 shows the changes of whole universe that might be contemplated to enhance gender equality. It indicates that changes in resources, capacity, and knowledge are necessary, but not sufficient, for sustainable change. Ultimately, changes of formal and particularly informal institutions are required (Rao & Kelleher, 2005, p. 61).

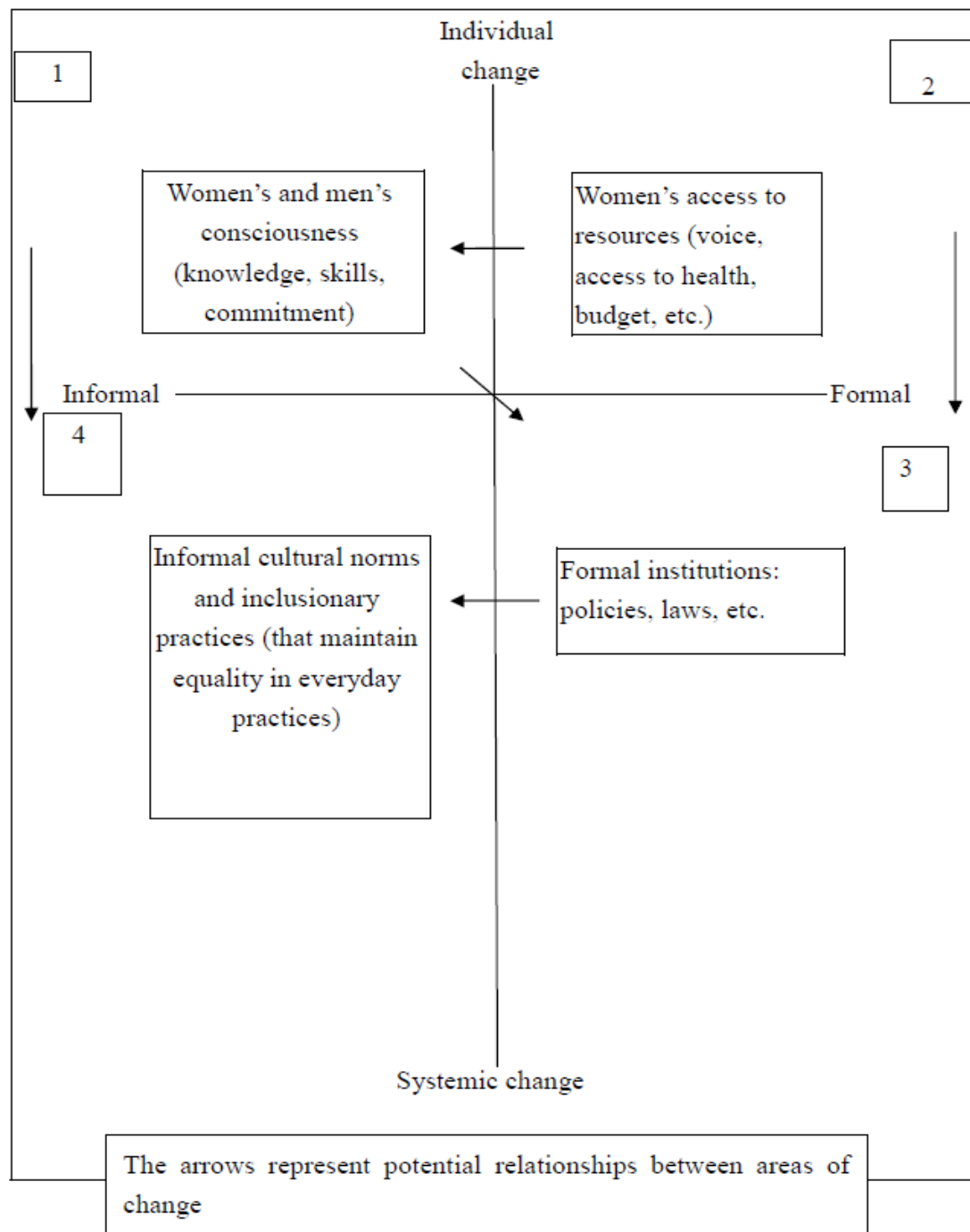


Figure 1. Gender at Work framework.

Source: Revised from Rao and Kelleher (2005, p. 60); Kloosterman, Benning, and Fyles (2012, p. 538).

Chang of Social Structure in Taiwan

Traditional societies are characterized by obvious differentiated gender roles that discourage women from working outside the home. It is clear that transformation of sex roles is associated with the process of societal modernization. Actually all traditional societies emphasize childbearing and childrearing for women as their

most important functions in life, along with tasks like food production and preparation at home. In modern societies, gender roles have increasingly converged because of a structural change in labor force, in childbearing age of women, in family size, and in educational opportunities for women (Inglehart & Norris, 2003, pp. 29-30) .

Table 1

Number of Babies with Baby-Bearing Age of Women (2001-2011)

Year	Number of babies with baby-bearing age of women						
	15-19	20-24	25-29	30-34	35-39	40-44	45-49
2001	1,1801	60,019	94,117	68,883	20,353	2,530	163
2002	10,545	55,974	91,994	66,394	19,284	2,461	106
2003	8,772	50,211	84,992	62,004	18,778	2,594	96
2004	7,627	46,290	81,707	60,589	18,773	2,590	109
2005	6,489	40,272	77,236	59,833	19,858	2,662	115
2006	5,086	36,315	76,737	63,662	21,035	2,778	107
2007	4,317	30,563	75,434	68,137	22,287	2,872	101
2008	3,802	25,843	71,445	69,007	23,171	3,108	110
2009	3,158	21,275	67,360	72,657	24,216	3,352	115
2010	2,806	17,321	52,161	65,496	24,929	3,624	136
2011	2,847	17,705	60,196	82,387	30,744	4,324	145

Note. Source: Ministry of the Interior Statistics, 2001-2011.

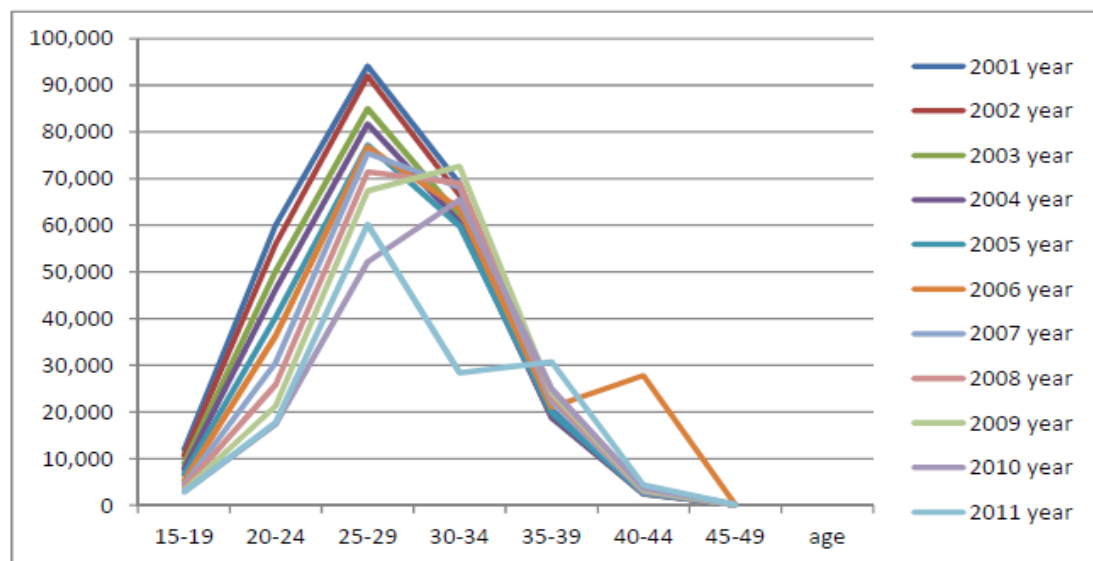


Figure 2. Number of babies with baby-bearing age of women (2001-2011).

Note. Source: Ministry of the Interior Statistics, 2001-2011.

Childbearing Age of Women

In Taiwan, the childbearing age of women is increasing generally from 2001 to 2011 (see Table 1 and Figure 2). While the number of babies with baby-bearing age (15-19) of women in 2001 is 1,1801, and decreasing sharply to 2,847 in 2011 (see Figure 3); those with baby-bearing age (30-34) of women in 2001 is 68,883, and increasing sharply to 82,387 in 2011(see Figure 4); and those with baby-bearing age (45-49) of women in 2003 is 96, and increasing sharply to 145 in 2011(see Figure 5). It is a trend that women have enough time to work or be educated outside.

Family Size

In Taiwan, family size was decreasing from 1990 to 2010. Big families (stem families and nucleus families) were 79.7% of total families in 1990, but it decreased to 70.7% in 2010. Single families were 13.4% of total families in 1990, but it increased to 22% in 2010. It is clear that women would not do heavy housework, and they can go outside for higher education and jobs.

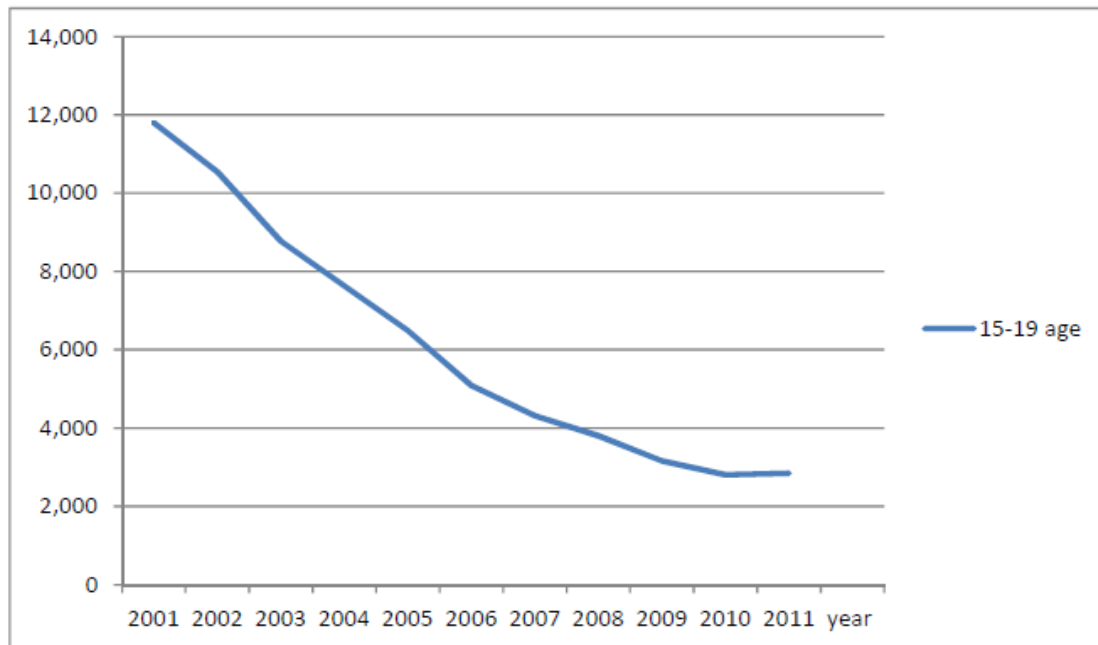


Figure 3. Number of babies with baby-bearing age (15-19) of women (2001-2011).

Note. Source: Ministry of the Interior Statistics, 2001-2011.

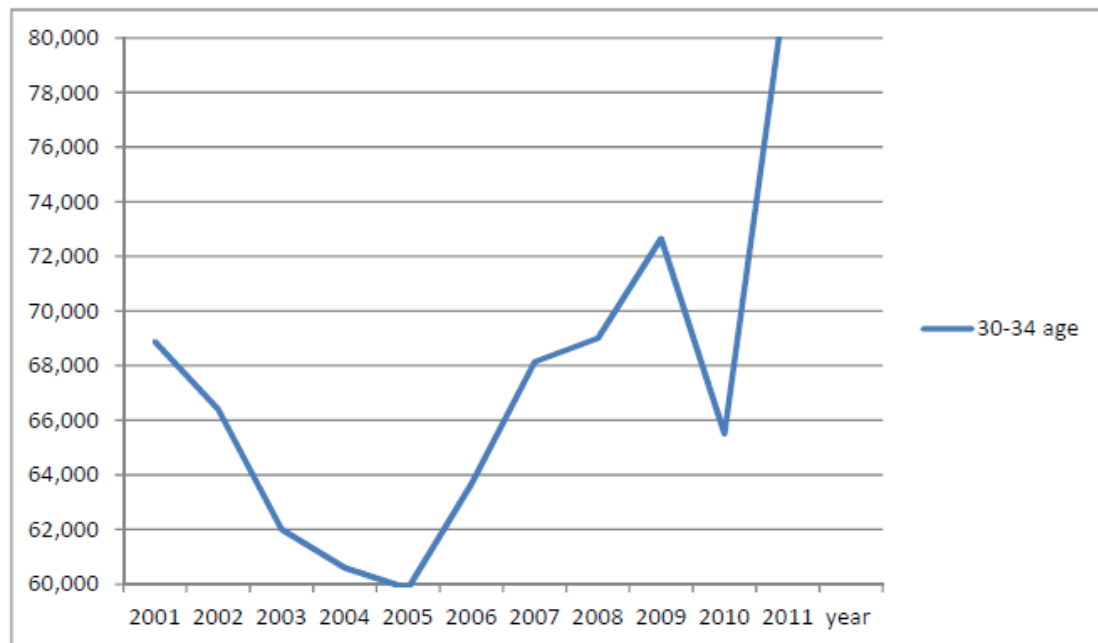


Figure 4. Number of babies with baby-bearing age (30-34) of women (2001-2011).

Note. Source: Ministry of the Interior Statistics, 2001-2011.

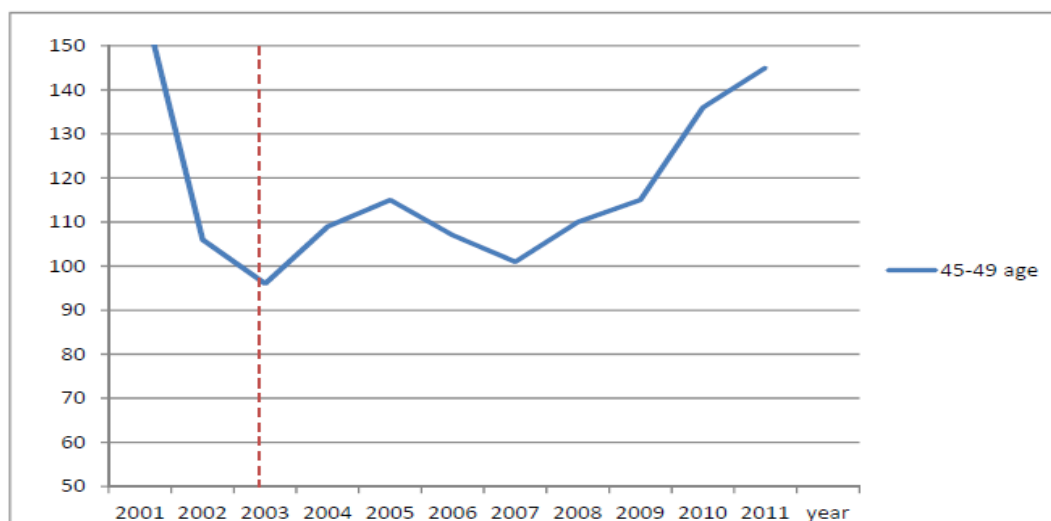


Figure 5. Number of babies with baby-bearing age (45-49) of women (2001-2011).

Note. Source: Ministry of the Interior Statistics, 2001-2011.

Table 2

Household type of Ordinary Households (1990-2010)

Year	Stem family (%)	Nucleus family (%)	Single family(%)
1990	16.2	63.5	13.4
2000	15.7	55.1	21.5
2010	16.4	54.3	22

Note. Source: Director-General of Budget, Accounting and Statistics, Executive Yuan, 2006-2012.

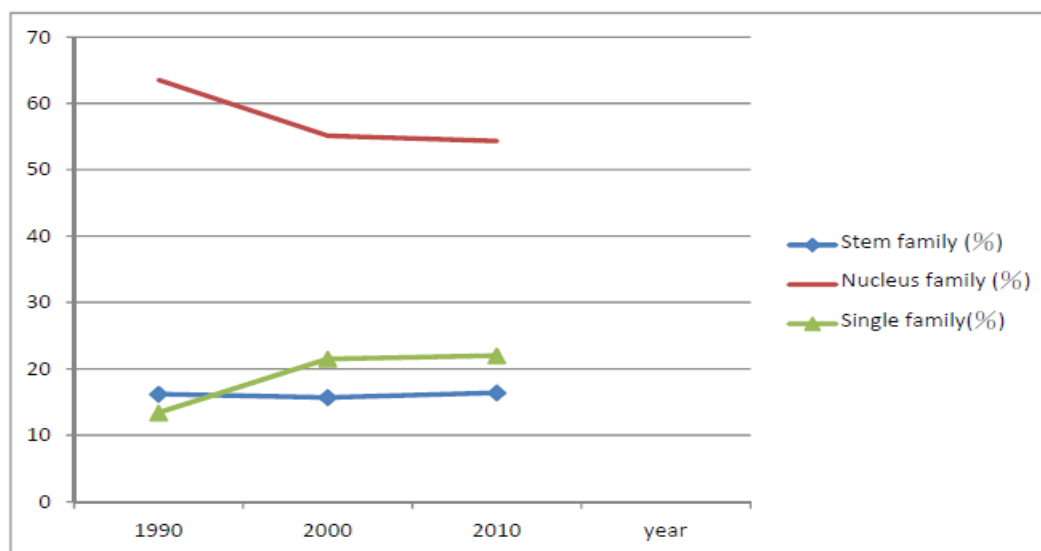


Figure 6. Household type of ordinary households (1990-2010).

Note. Source: Director-General of Budget, Accounting and Statistics, Executive Yuan, 2006-2012.

Women's Education and Labor Participation

In Taiwan, people are marrying later than in previous generations and having fewer children (see Table 1 and Figure 2). A rapid increase in leisure time for women to attain higher education (see Table 1 and Figure 7) and promote their capacities, and working outside home (see Table 4 and Figure 8).

Table 3

Women of 15 Years and Over with College Education (2001-2011)

Year	Woman of 15 years and over with college education (%)
2001	10.12
2002	11.73
2003	14.5
2004	15.74
2005	17
2006	18.32
2007	19.83
2008	21.18
2009	22.42
2010	23.80
2011	25.07

Note. Source: Ministry of the Interior Statistics, 2001-2011.

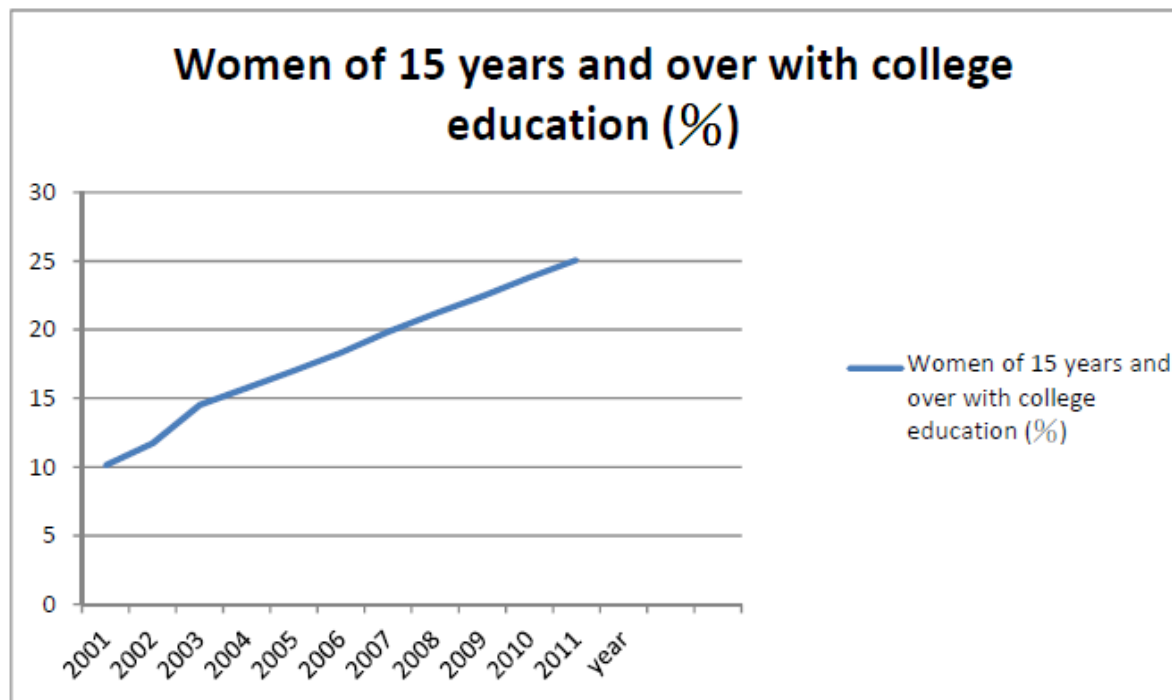


Figure 7. Women of 15 years and over with college education (2001-2011).

Source: Ministry of the Interior Statistics, 2001-2011.

Women's Access to Resources

Women's access to resources includes voice, health, training, loan, economic empowerment, and budget (Kloosterman, Benning, & Fyles, 2012, pp. 535-538), which focuses on the tangible individual changes (Kloosterman, Benning, & Fyles, 2012, p. 534; Rao & Kelleher, 2005, p. 60) (see Table 2 in Figure 1). There are two kinds of accesses to resources, one is women's social participation, and the other is political participation in Taiwan.

Table 4

Women's Labor Participation Rate (2001-2011)

Year	Women's labor participation rate (%)
2001	46.10
2002	46.59
2003	47.14
2004	47.71
2005	47.91
2006	49.62
2007	49.69
2008	49.75
2009	49.86
2010	49.89
2011	49.97

Note. Source: Director General of Budget, Accounting and Statistics, Executive Yuan, 2006-2011.

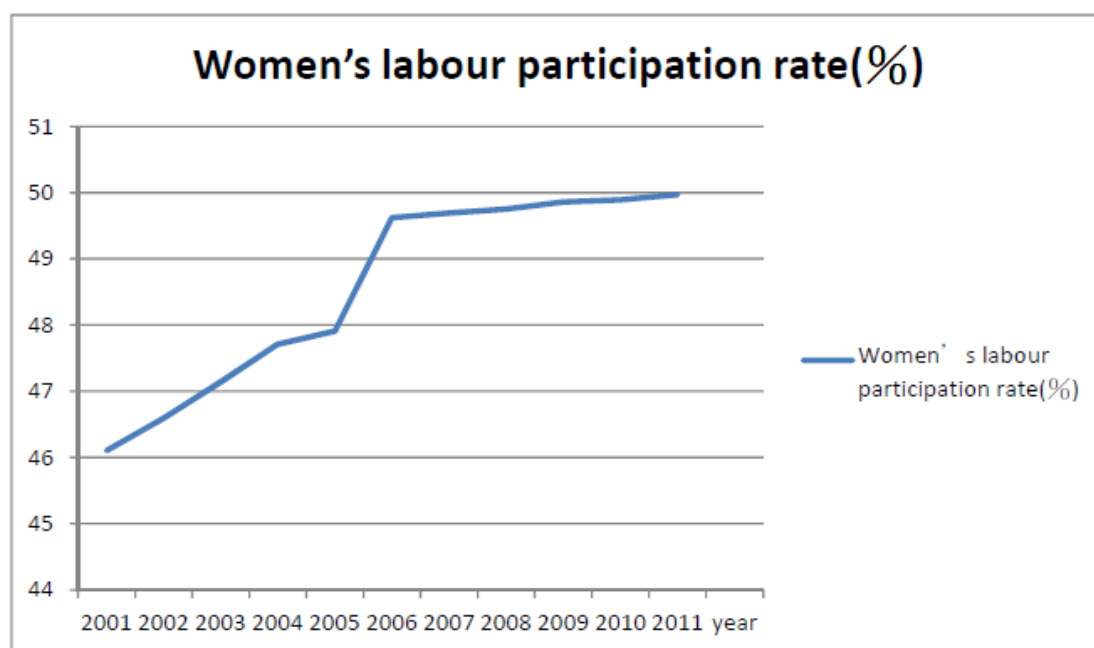


Figure 8. Women's labor participation rate (2001-2011).

Source: Director General of Budget, Accounting and Statistics, Executive Yuan, 2006-2011.

Women's Social Participation

Women steadily organize various events including the mobilization of women and the offers of social resources to community, in order to bring the importance of women's issues to attention of the public (see Table 5 and Figure 9). In Taiwan, there are so many national social community organizations, researchers could find that women got 9.85% of the leader of associations in 2005, and got 14.75% in 2011. The trend of women's social participation is increasing. The leaders of the associations are very important position to access social resources.

Women's Political Participation

In addition, women in Taiwan have been eager to participate in political organizations to advocate and

lobby for women's rights. Their purpose is to ensure that government policies created for women are properly enforced (see Table 6 and Figure 10). In Taiwan, there are so many political organizations, researchers could find that women got 13.91% of involving in political grouping in 2005, and got 15.47% in 2010. The trend of women's political participation is increasing. The political involvements are very important to access political resources.

Table 5

Women's Participation in National Social Community Organization (2005-2011)

Year	Women's participation in national social community organization (%)
2005	9.85
2006	10.42
2007	11.31
2008	11.75
2009	12.4
2010	13.62
2011	14.75

Note. Source: Ministry of the Interior Statistics, 2005-2010.

Table 6

Women's Participation in National Political Organization (2007-2010)

Year	Women's participation in national political organization (%)
2007	13.91
2010	15.47

Note. Source: Ministry of the Interior Statistics, 2007-2010.

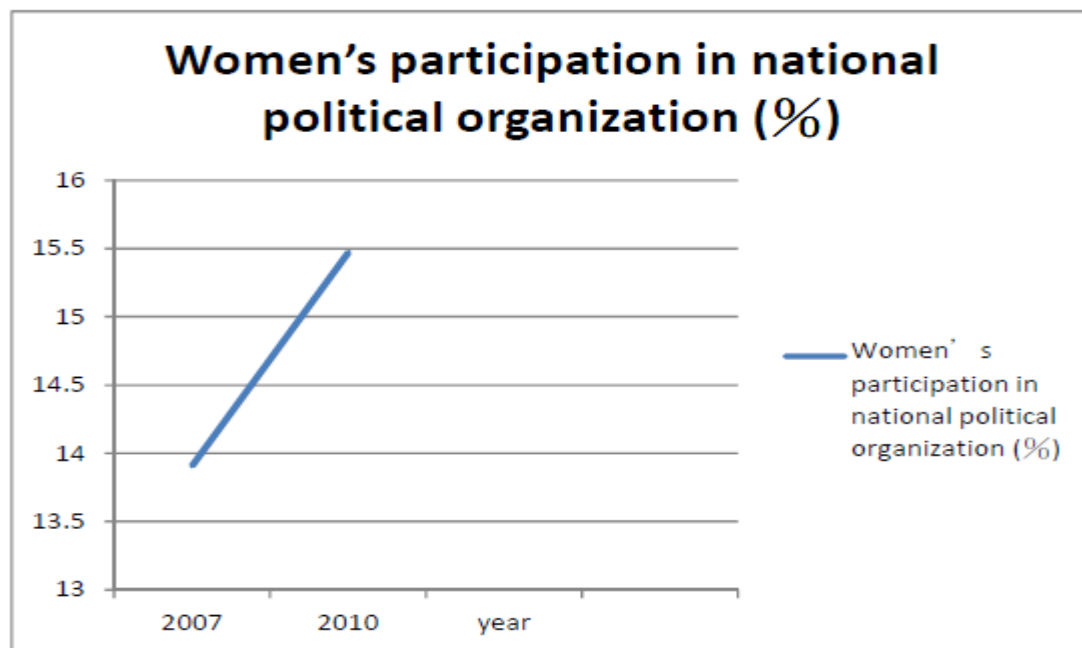


Figure 10. Women's participation in national political organization (2001-2011).

Source: Ministry of the Interior Statistics, 2007-2010.

Women's Awareness

When women are easy to access their resources includes voice, economic empowerment, and budget, they will be aware about gender consciousness and their right in a society (Kloosterman, Benning, & Fyles, 2012, pp. 535-538), shown as Table 1 in Figure 1, which focuses on the informal individual changes (Kloosterman, Benning, & Fyles, 2012, p. 535; Rao & Kelleher, 2005, p. 60): (1) Realizing current gender inequality in laws and regulations, women want to amend the laws of concerning gender inequality; (2) Realizing the establishment of gender equality mechanisms in need, women want to set up gender statistics, gender analysis, gender budget, gender impact assessment, gender awareness empowerment, and organization reeducation; (3) Women involve in advocacy coalition, agenda setting, and policy drafting; (4) Women groups make the best use of any opportunity for the mobilization of all their resources and cause the attention of the media and public opinion, and thus formulate the power of gender policy reform; and (5) Involving in specific political party—Democratic Progressive Party (DPP), and elections, women groups led DPP to win the 1994 Taipei mayoral election, and in 1995 the Taipei City Government set up an inter-bureau of the women's rights, as the milestone in gender mainstreaming.

Formal Policies

After some women have struggled for their higher status, gender consciousness is increased individually. This trend will become a kind of new culture for gender equality. Therefore, government will make policy to enhance their rights (see Table 3 in Figure 1). (Kloosterman, Benning, & Fyles, 2012, pp. 538-539). Many formal policies concerning gender equality were established in Taiwan as following:

(1) "The Women's Policy Principles" was passed by the Executive Yuan, and "Gender Equity Education Act" was enacted and promulgated by President in 2004. In addition, Directorate General of Budget, Accounting and Statistics, Executive Yuan established "Statistics for gender working group". After these actions taken by government, Members of Women's Rights Promotion Commission, Executive Yuan and relevant Departments formed an ad hoc group to develop the goal, strategy, and effectiveness evaluation framework to implement gender mainstreaming policies. This would be followed by Directorate General of Personnel Administration, Executive Yuan, and various government departments. They would hold the workshop and assigned a member with certain level to participate the workshop to discuss the concept of gender mainstreaming, the implementation framework of gender mainstreaming, gender impact assessments, gender statistics, gender analysis, and gender related issues.

(2) "An implementation plan of gender mainstreaming promoted by the cabinet meeting" (1995-1998 year) was passed by the 23rd meeting of Women's Rights Promotion Commission, Executive Yuan in 2005. This plan asked various government departments to formulate and promote gender mainstreaming implementation plan according to the content and timetable of the plan; "Timetable to improve the gender ratio of various departments, Executive Yuan" was passed. Government departments should list concrete plan based on gender ratio of different committees; There was a consensus that putting the gender equality into practice was the responsibility and obligation of the government departments and ministries. Government departments should gradually establish a Committee Gender Equality.

(3) Ministries should develop its gender mainstreaming implementation plan to promote: (a) gender statistics; (b) gender analysis; (c) gender budget; (d) gender impact assessment; (e) gender awareness

empowerment; (f) organization reeducation, by government in 2006.

(4) A robust “gender mainstreaming policy” was confirmed by the 25th meeting of Women's Rights Promotion Commission, Executive Yuan in August 29, 2006. Its purpose was to implement gender mainstreaming in related policies and services. Gender view would be put into national major plans or policies in the future.

(5) “Convention on the Elimination of All Forms of Discrimination against Women” (CEDAW) was passed by the Legislative Yuan in January 5, 2007.

(6) “The gender mainstreaming implementation plan of Executive Yuan” (2010-2013) was adopted in January 2, 2010 by the Women’s Rights Promotion Commission, Executive Yuan. It included gender impact assessment (GIA), the administrative policies and budgeting to integrate a gender perspective, while assisting ministries will set the scope of business implementation plan for gender mainstreaming, and gradually promote the ministries to analyze problems, formulate decrees, policies, programs, plans, and resource allocation, and gender mainstreaming.

(7) “Gender equality: eliminate gender discrimination and the implementation of the gender equality policy agenda”, one item of “righteous society” vision of one of the major policy objective for the development of “fair justice, equal distribution of wealth and wellbeing” in the governing ideas of the “Golden 10 Years, the National Vision” was adopted by the Executive Yuan in September 29, 2011 (Council for Economic Planning and Development, 2011).

(8) “The Enforcement Act of the Convention on the Elimination of All Forms of Discrimination against Women” was enacted and promulgated by President in June 8, 2011.

(9) Women’s Rights Promotion Commission, Executive Yuan was reorganized as Gender Equality Commission in January 1, 2012. In the same time a new “Gender Equality Agency” was established to charge the affairs of gender equality.

Informal Cultural Norms and Inclusionary Practices

This favorable gender policy for women (see Table 3 in Figure 1) will increase informal cultural norms and inclusionary practices at systemic level (see Table 4 in Figure 1) (Kloosterman, Benning, & Fyles, 2012, pp. 538-539). Culture can be a powerful ally in making work on gender equality a valued part of the organization’s work: the normal, the reasonable, “just good development” (Rao & Kelleher, 2010, p. 66). This could also mean that people consider the qualitative attitude and behavior change and an increase in consciousness more significant than changes in the formal structure, which might be taken for granted and are therefore not presented as the most significant change in the communities (Kloosterman, Benning, & Fyles, 2012, p. 540). In another words, culture can include making the organization easy for women and forcing a focus on “softer” and more “real” outcomes (such as infrastructure projects). Cultures are generally changed by the influence of leaders, and by the understanding of others that the new directions are valuable (Rao & Kelleher, 2010, p. 66). There were some examples at informal, systemic level, as the followings (Kloosterman, Benning, & Fyles, 2012, pp. 540-541).

Gender Role and Behavior Change

After the gender consciousness training, women in Taiwan acquired knowledge on a number of things with respect to their rights. They were able to register their personal property and ensure that they can

personally use the property acquired before their remarriage. Therefore, women were able to exercise their right on property ownership due to the training opportunity they got on revised family law (Kloosterman, Benning, & Fyles, 2012, p. 540).

Gender Attitude Change

The girl students in Taiwan have got the opportunity to learn at college, they learn about negative impact of early marriage, dowry, divorce, and domestic violence. Besides, women like to play important roles in protest against domestic violence. They are also working in the field with their male colleagues, which was inconceivable a few years ago. Men cannot trigger a lot of aggression to women in Taiwan. Men with a lot of power even outside the office cannot be antagonistic toward their female colleagues. There is now a general sense of gender awareness and sensitiveness in all the offices, and there is a change of attitude. Now maybe there are still a few people in the office who are male chauvinism, but they don't dare any more to make male chauvinism remarkable (Kloosterman, Benning, & Fyles, 2012, p. 541).

Gender Behavior Change

Female taxi drivers in Taiwan would be able to drive well, and no matter whether they should continue working as a driver or not, there were some doubts if women can stay late in the evening like men drivers waiting for bosses or officers who attend extended meetings to drive them home (Kloosterman, Benning, & Fyles, 2012, p. 541).

Organizing Women to Claim Rights

Due to gender sensitization of local communities and gender capacity building programs, women in Taiwan have been included in committees across different villages. Based on gender sensitization, community women have also, on their own set up pressure groups, carried out community enhancement projects and organized protests to ask for their rights. These have yielded wonderful results in terms of renewed consultation of women on community issues, ongoing compensation arrangement, provision of amenities by the erring multinationals, including electricity etc. Many such negotiations are ongoing in communities (Kloosterman, Benning, & Fyles, 2012, p. 541).

Conclusion

Gender mainstreaming is not simply a concept but a dynamic process for building equality between women and men. This research finds that to achieve gender mainstreaming policy goal, the government has to foster robust, sound cultural basis for the society.

Inglehart and Norris (2003) argued that change of social structure fuelled virtually more egalitarian attitudes towards women in any society. And then it brings systematic, predictable changes in attitudes towards gender roles. Cultural change in attitudes toward the gender roles can thus be regarded as a necessary, although not sufficient, condition for the consolidation of gender equality (Inglehart & Norris, 2003, p. 153).

This paper applies "Gender at Work Framework" of Rao and Kelleher (2005, p. 59) (see Figure 1) to explain the difference between change at the formal, organizational level and change at the informal and personal level for addressing the root causes of gender equality.

In order to bring about gender equality in Taiwan, change must occur at social structure from 2001 to 2011. Change of social structure makes women's access to resources (voice, access to health, budget, etc) easily (see Table 2). When women are easy to access their resources, they will be aware about gender and their right in a

society (see Table 1). When women are more aware about struggle for their higher status, this trend will become a kind of new culture.

Therefore, government will make policy to enhance their rights (see Table 3). In this case study, the policies include: “The Women’s Policy Principles” (2004), “An implementation plan of gender mainstreaming promoted by the cabinet meeting” (1995-1998) (2005), “gender mainstreaming policy” (2006), “The gender mainstreaming implementation plan of Executive Yuan” (2010-2013) (2010), “Gender equality: Eliminate gender discrimination and the implementation of the gender equality policy agenda” (2011), “The Enforcement Act of the Convention on the Elimination of All Forms of Discrimination against Women” (2011) and so on. Finally, these favorable gender policies in Taiwan for women will increase informal cultural norms and inclusionary practices (see Table 4) (Kloosterman, Benning, & Fyles, 2012, pp. 538-539).

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Revolution in Emirate System in Nigeria: Female Emirs Emerge to Assert Their Existence

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Against anybody's expectation, Female Emirs are found in Northern parts of Nigeria. After several years of their being buried, specifically since the advent of colonialisms—Arabian, European and Christian types—truths about their existence have begun to emerge not just from the Female Emirs themselves but also from their Male counterparts. The journey towards these spectacular discoveries theoretically began in 2003 with exploration of similar female Obas and Obis in the Southern parts of the country. In 2003, the researcher read in the *Guardian newspaper* of a Female ruler turbaned at the palace of Emir of Minna. Again, in 2007, Agency France Press (AFP) reported the case of this Female Emir "Though strange it is true. In Kumbwada, a village of about 400 kilometers away from Kano, a woman is the traditional and religious leader. No man dares as any that assumes the throne dies mysteriously within a week". This was reported by The *Nation Newspaper*.¹ In 2010, upon hearing about existence of Female Emirs among the Baatonu people of Kwara State, the author commissioned a Master of Science (M.Sc.) student to research on this and in fact writes his term paper on it. The researcher then followed up this with pragmatic visit and interview with these Female Emirs, first, in Kumbwada, Niger State in 2010, and second, Ilesalbaruba, Gwanara and Okuta in Baruten Local Government area of Kwara State in 2013. The outcome of these practical visits and interview with these Female and Male Emirs in the Northern parts of the country is what the researcher intends to share with you in this paper.

Keywords: revolution, Female Emirs, Baruteen Local Government,

Introduction

In the author's student days at University of Ibadan, it was Professor Peter Ekeh, in one of his classes on colonialism, who said that for there to be any meaningful revolution in Nigeria, it must start from the North. According to him, Southern part of Nigeria is ready but the North is not and until the North is ready, the researchers cannot move. This has been proven true on two important epochs—June 12, 1993 and the gradual integration of Female Traditional Rulers into the Traditional councils in the country.

Blazing this quiet and peaceful revolution was the Emir of Minna who recognized Ha jia Hadiza Mohammed as female traditional ruler by clothing and turbaning her like male Emirs. In this way, she became the first Female recognized Traditional ruler of Kumbwada, in Niger State in particular and Nigeria in general. In February of last year, a research assistant and the author headed to Baatonu area of the State where a M.Sc.

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¹ Similar to this is the recent publication by *New Telegraph* that "Somewhere in Adamawa, in a town called Arnado Debbo, near Ganye the administrative headquarters of Ganye fiefdom, the commonly assumed patriarchal structure of Nigeria's north has been in breach for over two centuries. Ibrahim Abdul visits this unusual community where women call the shots as traditional rulers".

student, Jimoh Bio, came up with statistics of Female Emirs said to exist in Baruten Local Government. Seeing the statistics in the body of the paper as provided by Bio. Within this Local Government area, the researchers were able to touch three towns out of many that were far apart. The researchers were able to interview not only the Female but also Male Emirs. Researchers found in these communities that some excellent examples of traditional dual ruler ship based on gender.

The outcome of the trip to Baruten (specifically in these three communities of Ilesha Baruba, Gwanara and Okuta) where Female and Male Emirs were found among Baatonu people is going to be the focus of this paper, although tangential references will be made to happenings in other areas of the country as well.

Gender Balance Emir-ship

Unlike the West and Eastern parts of Nigeria, Gender balance in traditional governance in the Northern part of the country, among the Baatonu Barubas in particular, presents spectacular and interesting scene. Here, both the Female and Male Emirs are princesses and princes from the same ruling houses. In other words, they are either brothers and sisters or cousins having the same royal blood. When the office of kingship or emir-ship is vacant, princes compete among themselves to occupy the throne while the princesses also compete among themselves for the throne of female equivalent of emir-ship. Thus, while males are kings (Emirs) in their communities, their counterpart Queens (or Female Emirs) are variously referred to as Magajia, Yonkogi and Buyonkafo in the same communities (Olasupo, 2013, p. 12). They have their own palaces, kingmakers and staff of offices like that of their male counterparts.



Figure 1. Alhahi (Dr) Sabi AbdullahiIdris Hajia Hawa Sulaiman.



Figure 2. Kotokotogi II, (OFR) Emir of Gwanara The Magajia of Gwanara.

Gwanara Town

When the Male Emir of Gwanara, Alhaji (Dr.) Sabi Abdullahi Idris Kotokotogi II, (OFR) was interviewed about the existence of Female Emir in his domain, his submissions as follows,

The Queen and I are *Prima inter pares* (first among equals). Both of us are from the same ruling house and are princess and prince before we ascended the throne. So, we are equal except that I have a slight edge over her. She is the only person who could overrule my decision under certain circumstances. She is a powerful kingmaker with regards to male emir-ship throne and without her support nobody can become Male Emir. (Olasupo, 2013, p. 12)

This assertion by Alhaji (Dr.) Sabi has powerful theoretical backing from Michael A. Ogunbola. According to him (1995),

The Female Emir is a leading adviser to the Male Emir. The post of Female Emir is very competitive after the death of the incumbent one and all princesses of caliber from near and far are eligible; though only one will be selected and awarded the title. She has her own palace which is usually her family clan's home; they are always aged women. (p. 21)

When the Female Emir, Hajia Hawa Suleiman, was interviewed as to whether she was a Female Emir, she asked the researcher to wait for her to go and bring her symbol of office as Female Emir. She went in and came out with her staff of office with which she took pictures with researchers there (see Figure 3).



Figure 3. The Researcher, F.A. Olasupo, in group photograph with the female Emir of Gwanara, Hajia Hawa Suleiman, and her female titled Chiefs

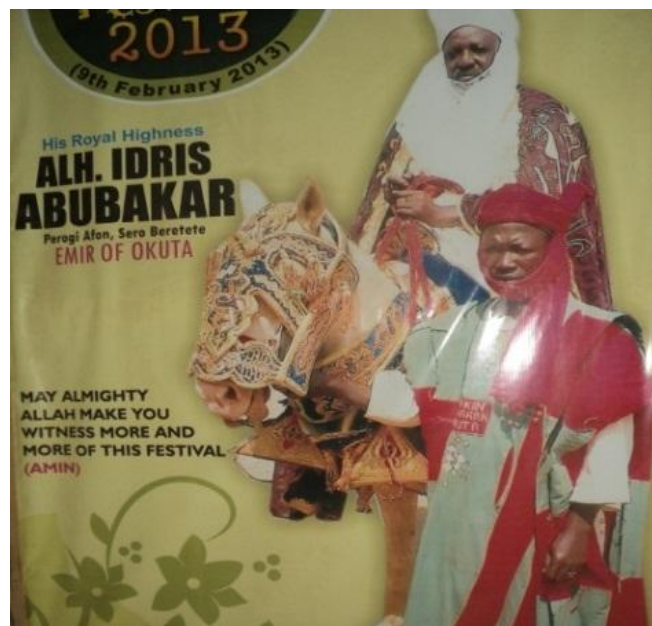


Figure 4. Alhaji Idris Abubakar Shero Betete Hajia Mariyam.

Okuta Town

As for the Emir of Okuta, Alhaji Idris Abubakar, Shero Betete III, he confirmed what Emir Sabi Abdullahi said, but added that “there is important festival called Gani festival, it is held annually among Baatombu (Barubas)”. When the Emirs hold their own, a week or so later, Queens also hold theirs. “In Okuta, as I have the right to ride on the horse on that day, so does the Queen also have the right to ride on a horse on the day she is celebrating her counterpart female Gani festival”. Corroborating pivotal role which female Emirs play in the appointment of an Emir, as Emir of Gwanara said, the Emir of Okuta added that male Emirs in Baruba areas also play a vital role in the appointment of female Emir (E. Okuta, personal interview, May 02, 2013) (Olasupo, 2013, p. 13).

Table 1

Statistics of Female and Male Emirs of Gwanara District

S/NO	Magarjia (Female Emirs)	Male Emirs	Year Ruled
1.	Amina Bona	Sunoaliyu	1928-1961
2.	Waare	Komitarereswanru	1961-1979
3.	Sulefatuma	Komitarerewonkuru	1979-1993
4.	Hawasule (2007)	Kotokotogi Ii	1994 To Date
5.		Kotokotogi Ii	1994 To Date

Note. Source: Bio, 2010.

While male Emir of Gwanara relied on the vital roles of female Emir, for example, among most powerful kingmaker and decision maker, to proof that she was in fact a female Emir, the male Emir of Okuta, essentially relied on the Gaani festival to demonstrate gender balance and equity between female and male Emirs.

Theoretical evidences of these are also provided by Lafia Hussaini. On the eve of Gaani festival, according to Hussaini (2003), “(Donseribu) or wake-keeping is observed by all and sundry including the Supreme king (Sinaboko), the Queen (Yonkoogi), other provincial kings, princes and princesses; they will spend the night at frontage of the Royal palace” (p. 39). “There is also Gani festival performed by the Queen (Yonkogi) after that of the Sinaboko (Supreme king)” (p. 39).



Figure 5. The Yong The Emir of OkutaKogi of Okuta.

In summary, according to Hussaini (2003),

Politically, the power of Sinaboko was severely circumscribed. He had to contend with a number of individuals and group who held political power. The office of Sinaboko was closely associated with that of an official queen or Yonkogi, who was his relatives, and was in charge of naming the royal children during Gani festivals. She maintained a completely separate establishment from the Sinaboko (She performs Gani festival after Sinaboko) Yonkogi had to be a daughter of a previous Sinaboko and looked after the affairs of the princesses. (p. 49)

The Female Emir of Okuta also affirmed her position as female Emir by telling the researchers to wait when she went to rob, complete with her staff of office, as she used to do on any festive occasion (see Figure

6).



Figure 6. The Researcher, F.A. Olasupo, paying homage to female Emir of Okuta, Hajia Mariyam, the Yonkogi of Okuta. Photo by Dr. Akiode photography.

Table 2

Statistics of Female and Male Emirs Of Okuta

S/NO	Yoonkogi (Female Emirs)	Male Emirs	Year Ruled
1.	Koredu	Kperogi Totiri (Isero Betete II	1949-1980
2.	Yoon Kogi Woonkuru (Geriya)	Kperogi Totiri (Isero Betete II	1949-1980
		Kperogi Bakonbia II	1980-2001
3.	Salamat Lafi (2004)a Koda	Kperogi Afon Sero Betete III	2002 to date

Note. Source: Bio, 2010.



Figure 7. ENG. Bio Usman Abubakar Hajia Maryam Ishiak.

IlesaBaruba Town

At IlesaBaruba, the Emir, Engineer Bio Usman, had travelled abroad but the researchers were attended to by his next command who told the researchers that there is no doubt woman traditional ruler existing in the town. She is, according to him, a princess before she emerged as the Female Emir. She is the one the subjects must see first before seeing the male emir. Every Friday, he said, she comes from her palace to sit in front of the male palace to receive homage from subjects who come to pay homage to the Male Emir.

The Female Emir of Ilesa not only confirmed that she is a Female Emir, but she asked the author to wait for her while she went to rob in the way Female Emir in the town is expected to rob. She said if we had come to her during her Gani festival, the researchers would have seen spectacular evidence of this. When she came out from her palace robed researchers took series of photograph with her (see Figure 8, Figure 9, and Figure 10).



Figure 8. The Derekureku III, Emir of Ilesha Baruba Buyonkafo of Ilesha Baruba



Figure 9. The Researcher, F.A. Olasupo, paying homage to the female Emir of Ilesha Baruba, Hajia Maryam Ishiak, The Buyonkafo of Ilesha Baruba



Figure 10. The Research, F.A. Olasupo, in group photograph with the female Emir of Ilesha Ibaruba and her titled Chiefs.

Table 3

Statistics Female and Male Emirs of Ilesa Ibaruba

S/NO	Buyon Kafo (Female Emir)	Male Emir	Year Ruled
1.	Wesi Bio	Suno Mora III	1944-1954
2.	FatiYenka	Sabiankuri III	1960-1974
	FatiYenka	Sabi Ankurijato IV	1975-1999
3.	Habiba Abdulahi	Sabi Ankurijato IV	1975-1999
		Derekureku III	2000 to date
4.	Mariam Ishak	Derekureku III	2000 to date

Note. Source: Bio, 2010.

Table 4

Statistics Female and Male Emirs of Yaashikira District

S/NO	Yoon Kogi (Female Kings)	Kings	Year Ruled
1.	Yoon BerekegiKanno	Alh. UsmanSherikin	1901-1974
2.	YankiYoonkogi	Alh. UsmanSherikin	1901-1974
3.	Manu Yoonkogi	SuroLafia	1975 to date
4.	RamatuUsman (2000)	SuroLafia	1975 to date

Note. Source: Bio, 2010.

Yaashikira District

This is another town within Baruten Local Government researchers were expected to cover but could not because most of time had been spent on the previous places. However, Mr. Bio in this term paper had covered this area and what was left for the researchers was to verify it. Below is the statistics of Female and Male Emir of Yaashikira as provided by Mr. Bio.

Kumbwada in Niger state

Before going into theoretical aspect of the Female Emir of Kumbwada who has gained not only local, national but also international fame and recognition, the researcher had visited this Female Emir in 2008 to confirm the theory of her existence. People in her palace are almanacs of eminent personalities in the country: General Ibrahim Babangida, the Emir of Mina who turbaned her and, some other local notables. Her case is

spectacular because she is actually the substantive ruler of her people (not gender balance). As a matter of fact all her traditional kingmakers are males.

Theoretically, literature affirms the existence of this female monarch of Kumbwada and the fact that she is a ruler over her people, “predominantly made up of the Gwaris, with Hausa/Fulani and other tribes to complete the circle” (Ijediogor, 2003, p. 8B). “The kingdom of Kumbwada has had a long line of female traditional rulers”. According to the Female Emir of the kingdom, Hajia Muhammed, “Ramatu reign for 68 years... Hadiza for 50 years... Maimuna for 28 years... Fatima for 18 Years... Fatima for 63 years... (Olasupo, 2005, p. 178). Going further, the Female Emir boasted that,

I am the first officially turbaned ruler of the throne recognized by local and state governments. Before then, the whole thing was done at the village level, with small district heads in attendance. But I was turbaned in the palace of the Emir of Minna and I am the only woman that rules her people, in accordance with their tradition in this part of the world. During my turbaning, the emir’s palace was filled with people from different parts of the country. (Olasupo, 2007, p. 177) (see Figure 11)



Figure 11. The female Emir of Kumbada, Hajia Hadisa Muhammad robed and sitting in front of her palace.

Source: nigeriamonarchs.photoshelter.com/image/I0000W3JML82JLgg.



Figure 12. Female Emir of Kumbada in Niger state, Hajia Hadisa Muhammad, sitting amidst her kingmakers in her palace.

Source: nigeriamonarchs.photoshelter.com/image/I0000W3JML82JLgg.



Figure 13. Female Emir Hadisa Muhammad in the midst of Kumbada Council of Elders.

Source: nigeriamonarchs.photoshelter.com/image/I0000W3JML82JLgg.

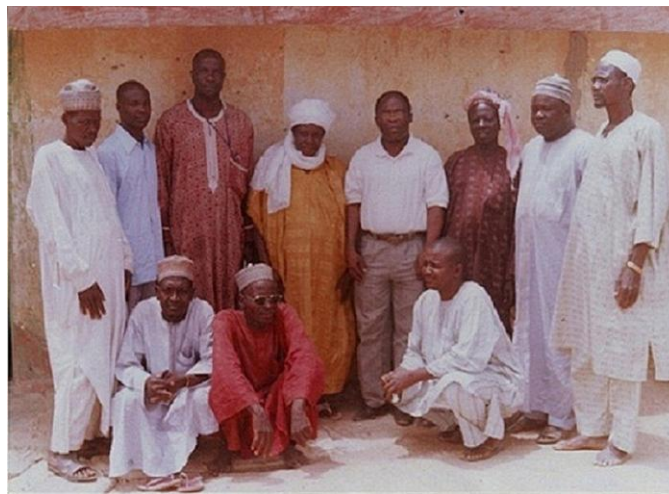


Figure 14. The researcher in group photograph with female Emir of Kubambada, Hajia Hadisa Muhammad.

Source: Photo by Asela photography.

However, Kumbwada is not the only place in the north where substantive Female Emir is found, they are found in ArnadoDebo, Nokowo and Adamawa state but which are yet to be visited for interview (Olasupo, 2007, p. 177).

In Arnado Debbo town in Adamawa state, according to the Paramount ruler of Ganye chiefdom,

His Royal Highness, GwangwariGanye, AlhajiUmaru AdamuSanda, gave an account of the reason why women take on a more prominent role in the village. Gwangwari reveals that the men actually used to rule in ArnadoDebbo but that the men usually died within three months of ascending the throne. He said that fifteen male rulers died on the throne, all within three months before the elders decided to try a woman. (Ibrahim, 2014, p. 45)

“If men”, according to him, “cannot hold onto the throne why can’t we try a woman?” He explained. “And so when a woman, Gangnwum Subonin, was tried in 1762 she did not die within three months but stayed on for nine years. Since then, he explained, men have no qualms surrendering that right to women permanently”. The current Female Emir of Arnado Debbo, Gangwun Astadikko Buba Dimgyeb, is said “to be the seventh women ruler of after Gangwum Subsarin blazed the trail 250 years ago”(Ibrahim, 2014, p. 45).



Figure 15. The researcher, F.A Olasupo, paying homage to the female Emir.

Source: Photo by Asela photography.



Figure 16. The Paramount ruler of Ganye kingdom and that of the Female Emir of Arnado Debbo.

“No Gangwun” Female Emir, is ever dethroned. “They must be allowed to stay on until their death and all women must be appointed from the dynasty”. According to tradition, upon installation, the Gangwun remains in the traditional compound—a sort of palace meant for Gangwuns. “As Gangwun, she is considered the traditional and spiritual head of the community, presides over spiritual and traditional ceremonies and festivals including worships” (Ibrahim, 2014, p. 45) (see Figure 16).

Observations

It is observed that there is indeed a quiet revolution going on in the North with regards to issue of female rulers. Both male and female Emirs discussed in this paper affirm gender balance in their traditional governing system. However, there is nothing to write home about practical demonstration of this, as the government recognizes only male Emirs whose palaces are regularly maintained and salaries adequately paid to the exclusion of the female ones. This is similar to the situation in the Southern part of the country.



Figure 17. Blueprint.



Figure 18. Female Traditional Rulers' Protest visit to the Department of Local Government Studies, Faculty of Administration, Obafemi Awolowo University in February 7, 2009.
Source: Nigerian Compass of February 7, 2009.



Figure 19. Group photograph taken with the said monarch in his palace.

Note. At the palace of Ajero of Ijero: Standing from left is the Obanla of Jero, next is female kings of Ibuji, Osemoe of Ikota, sitting is Ajero of Ijero, standing after Ajero is female kings of Igbara-Oke and Isharun respectively. Sitting on the front row is the researcher, F.A Olasupo, Secretary to the Head of Department of Local Government Studies, Mrs. Adegoke and two research assistants (Alhaji Basiru and Mr. Ogunade).



Figure 20. Female obas threaten court action against male counterparts over alleged ill-treatment.

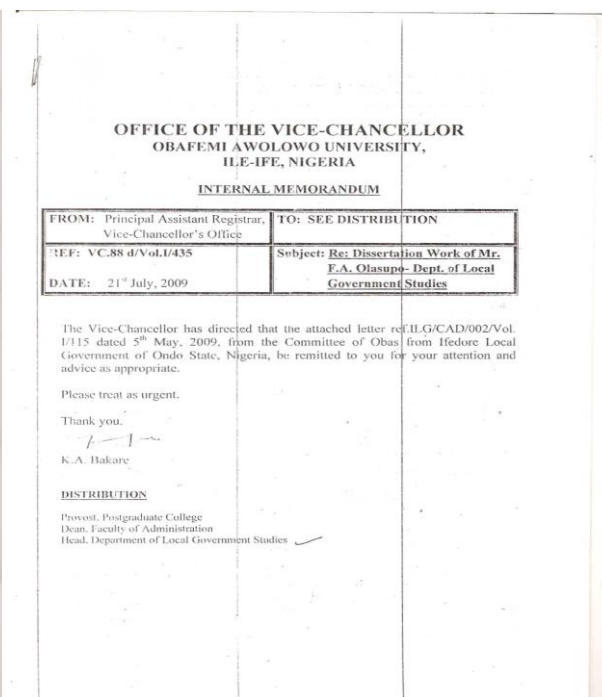


Figure 21. Petition letter by some Male Traditional rulers to the Vice-Chancellor Obafemi Awolowo University.

Another *Compass newspaper* reported that some female kings were preparing to take legal action against their male counterpart for alleged maltreatment (see Figure 20).

Finally, a group of male traditional rulers, where these female rulers exist, petitioned a local newspaper, *Oodua Times* in Ife as well as the researcher's Vice-Chancellor, threatening to sue the researcher. According to them, you will face "legal action from Ifedore Local Government Chieftaincy Committee, Ondo State Council of Traditional rulers and the National Traditional Council". The researcher later learnt that the Vice-Chancellor

responded thus: "It is not for me to stand on the way of intellectual process" (see Figure 21, Figure 22, Figure 22, and Figure 23).



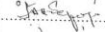


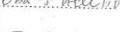

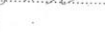
 Committee of Obas IFEDORE LOCAL GOVERNMENT IGBARA OKE, ONDO STATE P. O. Box 100		
OUR REF. _____	YOUR REF. _____	DATE: 5 th May, 2009
The Vice Chancellor, Obafemi Awolowo University, Ile-Ife.		
DISSENTATION OF MR. F.A. OLAJUNJO		
We the Obas in Ifedore Local Government Area of Ondo State, Nigeria wish to draw your attention to the above subject matter as it relates to Mr. F.A. Olajunjo, a student in the Department of Local Government Studies of the University of Ife.		
His thesis work (that female kings exist in Yoruba land) for the award of a Doctorate degree has been generating a lot of controversy among Yoruba Obas.		
Specific instance was the publication by "ODUA TIMES" of January 26-1 st of February, 2009 edition Vol.1, No 110. The position of Ifedore Chieftaincy Committee, Ondo State Council of Traditional Rulers and that of National Traditional Council has been made known to the publisher on the issue.		
In the light of the above, we want to appeal to the authority of the University to reconsider the approval of the Topic for his doctorate Degree as it stands contrary to the National interest and peace.		
S/N	NAMES	SIGNATURE & DATE
1.	HRH OBA ABIODUN A. ADEFEHINTI(JP) (The Alara of Ilara-Mokin)	 10/05/09
2.	HRH OBA J.A. ADEPOJU(JP)(VEN.RTD) (The Olowa of Igbara-Oke)	
3.	HRH OBA ADE OLUWAGBEMIGUN(JP) (The Olujare of Ijare)	
4.	HRH OBA RAPHAEL O. OJO (The Adapogun of Ipogun)	
5.	HRH OBA JOSEPH ADEBOBOLA(JP) (The Asarun of Isarun)	
6.	HRH OBA JAMES ALABI (The Owa of Araromi-Omoladan)	
7.	HRH OBA J.A. ALUKO (The Oloja of Mariwo)	

Figure 22. Signature of Male traditional rulers who sent the petition to the Vice-Chancellor.


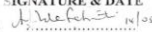




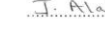
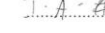
 Committee of Obas IFEDORE LOCAL GOVERNMENT IGBARA OKE, ONDO STATE P. O. Box 100		
OUR REF. _____	YOUR REF. _____	DATE: 5 th May, 2009
The Publisher, Odua Times Limited, P.M.B. 1010 Oshodi, Lagos.		
RE: YES FEMALE KINGS EXIST IN YORUBA LAND ONI OF IFE RECOGNIZES US - FEMALE KINGS		
We the Obas in Ifedore Local Government Area of Ondo State wish to draw your attention to the above subject matter as it featured on your "ODUA TIMES" of January 26-1 st of February, 2009 edition Vol. 1 No 110.		
We are particularly embarrassed because all the towns mentioned in the story are virtually located in our Local Government and the pictures therein are Chiefs- they are not kings.		
However, we want to put it to you that you should have looked for the reliability and authenticity of the story from the Traditional Ruler of the affected towns before publishing such story as the Local Government cannot be generalized for the entire Yoruba race.		
We want to take the path of honour as Custodian of Law and tradition for you to publish a rejoinder on the issue within twenty-one days of receiving this letter; hence you face a legal action from Ifedore Local Government Chieftaincy Committee, Ondo State Council of Traditional Rulers and the National Traditional Council.		
Your publication is an aberration and stands to disrupt public peace not only Yoruba race but the entire Country		
Thank you.		
S/N	NAMES	SIGNATURE & DATE
1.	HRH OBA ABIODUN A. ADEFEHINTI(JP) (The Alara of Ilara-Mokin)	 10/05/09
2.	HRH OBA J.A. ADEPOJU(JP)(VEN.RTD) (The Olowa of Igbara-Oke)	
3.	HRH OBA ADE OLUWAGBEMIGUN(JP) (The Olujare of Ijare)	
4.	HRH OBA RAPHAEL O. OJO (The Adapogun of Ipogun)	
5.	HRH OBA JOSEPH ADEBOBOLA(JP) (The Asarun of Isarun)	
6.	HRH OBA JAMES ALABI (The Owa of Araromi-Omoladan)	
7.	HRH OBA J.A. ALUKO (The Oloja of Mariwo)	

Figure 23. Petition letter by some Male traditional rulers and their signatures to the Publisher of Oodua Times in Ile-Ife.

Conclusion

It is to the credit of Northern part of Nigeria that there has not been any negative reaction to the emergence of the Female Emirs. Spearheaded by the Emir of Minna in Niger state, he got support from his counterparts (Male Emirs of Gwanara, Okuta and IlesaBaruba) in Baruten Local government of Kwara state. Unlike the North, some counterpart male rulers in the South are denying the existence of female rulers.

It is pertinent to point out that in this coming National Conference on the state of Nigerian affairs effort should be made to mobilize the delegates going to the conference to look into the plight of female monarchs in Nigeria. Not only should they be integrated into the modern system of traditional rulers, the Constitution of the Federal Republic of Nigeria must affirm their existence but also integrate them into modern system of traditional rulership in Nigeria.

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Journalists in Armed Conflicts: Neutral Observers and Their Rights in International Humanitarian Law

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Just in these days during the demonstrations demanding political reforms and more democracy in Ukraine, journalists have been assaulted or have been arrested by members of the security and military forces because of their possible negative coverage. This article analyses the protection granted to media personnel according to international humanitarian law and how their work can also be jeopardized by national and international legal systems. The question arises if a special status for journalists would minimize the risk to media personnel or if the protection measures already in force are deemed to be adequate.

Keywords: journalist, war correspondent, protection status

Introduction

Every year, a large number of journalists are killed or wounded in armed conflicts. This year alone, three journalists were killed on a battlefield or in a military context in Syria and the Democratic Republic of Congo.¹ There are several reasons why this occupational group is at a higher risk than ordinary civilians. On the one hand, they want to be as close as possible to the events, while on the other hand, the parties of an armed conflict or a situation of unrest often see the unpleasant truth exposed by journalists as a threat. Therefore, international humanitarian law provides protection for journalists and media personnel.

To analyze the current situation for journalists and to provide proposals for a reduction of the risks they are faced with, the following article is structured into two main issues. The first part deals with the two different categories of journalists and their legal status within international humanitarian law. Afterwards, the legal protection of media equipment will be analysed because of its impact on the life and security of the media personnel. As conclusion it will be discussed if the current legal protection of media personnel, in particular of “independent” journalists in international humanitarian law is appropriate or if a new legal status for them is needed.

Two Different Categories of Journalists

There are two types of journalists reporting on armed conflicts. The first type is independent and impartially covers the events while the second is attached to a military unit of one side of the conflict and hence is so-called war correspondents.

Independent Journalists

This group of media personnel is working independently that means without being close to any party to the

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¹ Retrieved from <http://www.cpj.org>.

conflict. Of course, the coverage is biased by the personal views of the publisher and the author and therefore not completely independent. However, journalists who write on conflicts from abroad, which means without being on the scene and journalists who work in the area of conflict are not merely expressing the notions of one side. Hence, this occupational group is of utmost importance to prevent atrocities against civilians through their presence or at least to bring e.g. deliberate attacks against the population into public knowledge.

Independent journalists have to be strictly distinguished from war correspondents² regarding international humanitarian law. The latter is either members of the forces of one of the conflict parties or company of their military units. As opposed to independent journalists in armed conflicts who are civilians, according to Art. 79 Additional Protocol (Add. Prot.) I. The term “journalist” encompasses,

all representatives of the media, namely all those engaged in the collection, processing and dissemination of news and information including cameramen and photographers, as well as support staff as drivers and interpreters. (Reporters Without Borders, 2006, p. 94)

While practicing his or her profession, the journalist has to be treated as a civilian as long as he or she does not act to the contrary. Civilians lose their protection under international humanitarian law by arming themselves or by being actively engaged in combat activity. These provisions also apply to media personnel (International News Safety Institute, *Killing the messenger*, 2007, para. 8). Reporters Without Borders (2007, updated 2013, pp. 25-41) published a code of behaviour in war zones as part of a guide for journalists to point out actions which when conducted can lead to a loss of the protection as civilians according to international humanitarian law.

War Correspondents

Staff members of military publisher and journalists accredited to the armed forces of one of the conflict parties, the so-called embedded journalists, are war correspondents and gain not the same protective status as independent journalists. The latter are civilians who lose their status as civilians in an armed conflict by joining military units of a warring party (Saul, 2008, p. 103). An attack intentionally directed against war correspondents in principle does not constitute a grave breach of international humanitarian law, due to the disability for the counterparty to discriminate them from the combatants (Verschrögel, 2008-2009, p. 453).³

The more and more common practice of embedded journalism has not only to be objected owing to the increased risk for the life of the journalists but also because it is opposed to the principle of establishing the truth, which is the goal of coverage of war zones. A journalist who accompanies a military unit day and night runs the risk of losing his journalistic impartiality (Tuosto, 2008, pp. 20-31). Payne (2005) listed two main advantages in his article which embedding provides for the military:

First, embedding with troops restricts a reporter’s view of the battlefield to the view available to the unit he or she is embedded with. [...]; second advantage is [...] that embedding enhance this tendency [of negativity], by bringing reporters closer to the soldiers of one side than the other, perhaps of the extent of prompting a subconscious bias in reporting, the product of shared hardships and camaraderie. (pp. 86-87)

² Unfortunately, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY) used the term “war correspondent” not in the sense of Art. 79 Add. Prot. I. “By ‘war correspondents’ the Appeals Chambers means individuals who, for any period of time, report (or investigate for the purposes of reporting) from a conflict zone on issues relating to the conflict.” Decision on Interlocutory Appeal, *Brđanin and Talić* (IT-99-36-AR73.9), Appeals Chamber, 11 December 2002, para. 29.

³ Report of the Secretary-General on the protection of civilians in armed conflict, UN Doc. S/2007/643, 28 October 2007, para. 29 urged that “[t]he practice of embedding with a party of a conflict [...] give[s] the impression that they are combatants and thus legitimate targets”.

The United Kingdom Ministry of Defence e.g., has established rules for embedded journalists accompanying British military units. Among others, the release of information will be controlled because it “might be of benefit to an enemy, or would endanger an operation, or the lives of British or allied Servicemen or civilians” (UK Ministry of Defence, Green Book, Version 8, 2013, p. 14). The question arises if coverage about atrocities committed by a British military unit fulfils this requirement because of its negative effect on the image of the British forces as a whole.

Pursuant to Art. 79 para. 2 Add. Prot. I, war correspondents are granted the same legal status as combatants if they are taken captive while practicing their profession during an international armed conflict. Their lives and health may not be threatened at any time during detention. The fundamental guaranteed rights of prisoners of war in case of an international conflict include the provision of sufficient food, clothing and other everyday commodities. Furthermore, they have to be provided with medical attention, especially if the person taken captive is wounded or suffers from a disease (Fischer, 2008, margin Nos. 706, 717, 719). If the convention is violated during an international armed conflict, the state has to take all necessary steps to bring the perpetrator to justice. This applies to the direct perpetrator as well as to any other individual who takes part or incites to commit the offence (Wolfrum & Fleck, 2008, margin No. 1410).

In case of a non-international armed conflict, the captive does not have the above mentioned status as prisoner of war. Common Art. 3 of the Geneva Conventions (GCs) is the only provision applicable in this case. Prohibited at any time are acts of violence to life, including murder and torture as well as humiliating and degrading treatment of a war correspondent in custody as well as denying medical aid to a detained wounded (Fleck, 2008, margin No. 1215).

The status of war correspondents is quite clear, they have to be treated as combatants opposed to “independent” journalists and therefore, only the improvement of protective measures for the latter will be discussed in depth.

Protection of Civilians in International Humanitarian Law Applicable to “Independent” Journalists

The protection of civilians is the topic of a large number of international law documents⁴ and publications. The term *civilian* is defined in Art. 50 Add. Prot. I. Thus, every person who is not a member of armed forces, or of a militia army or of a voluntary corps has to be regarded as civilian (Pilloud & Preux, 1987, margin Nos. 1911-1921). Pursuant to Art. 48 Add. Prot. I, the adverse enemy parties have to distinguish civilians from combatants at all times during the conflict and have to avoid every impact on the civilian population by military actions (Gasser, 2008, margin No. 501).

Art. 51 para. 4 Add. Prot. I includes the interdiction of arbitrary attacks targeted at the population. Military operations may, therefore, solely be directed at combatants and military facilities and not towards civilian objects. Military necessity of an attack may only serve as justification if the attack was not directly aimed at civilians but had bearings on them in the sense of collateral damage (Dörmann, 2008, pp. 323-327).

Hence, the principle of proportionality already has to be considered in the planning of military operations. There must be a weighing between the expected civil loses and the actual military advantage (Coates, 2000, p. 35; Gasser, 2008, margin No. 509; Balguy-Gallois, 2004, pp. 54-61). If the number of possible civilian

⁴ For example SC Res. S/RES/1674, 28 April 2006; S/RES/1894, 11 November 2009; Report of the Secretary-General on the protection of civilians in armed conflict, UN Doc. S/2009/277, 29 May 2009.

causalities is disproportional to the possible military benefit, the operation must refrain from conducting. The usage of cluster bombs in populated areas e.g. constitutes in principle a violation of international humanitarian law, by the absence of distinction between combatants and civilians.

An example provides the airstrike against the Taliban in the region of Kunduz in Afghanistan on the 4 September 2009. On the previous evening a group of the Taliban hijacked two fuel tankers bound for the International Security Assistance Force (ISAF) troops and tried to bring them to Gor Tepa, a village 28 km off the camp of the Provincial Reconstruction Team, which was under German military command. During the attempt to bring the tankers through the riverbed of the river Kunduz, they got stuck in the mud and were immobilized. The German commander reported to the ISAF headquarters in Kabul a troop-in-contact situation which leads to the bombardment of the two trucks and the killing of more than 100 people. Among the dead were not only mere insurgents but also a lot of civilians. The airstrikes were conducted without prior warning, e.g. a “show-of-force” suggested from the pilots of the fighter aircrafts (Generalbundesanwaltschaft, 16 April, 2010, pp. 16-28).

In 2010 the *Generalbundesanwalt* (Federal Attorney Prosecutor) stayed the investigation proceedings inter alia because of the alleged proportionality of the attack. The expected military advantages, the destruction of the two tanks and the killing of high level Taliban leaders would justify the killing of civilians as collateral damage. A prior warning would have made it impossible to achieve the second above mentioned expected military advantage (*Generalbundesanwaltschaft*, 16 April, 2010, pp. 66, 67). The statement of the German military commander concerned contradicts these findings because he asserted that he was not aware of the presence of civilians and furthermore, that he thought the persons on the ground had noticed the fighter aircrafts and therefore no distinct prior warning was needed (*Generalbundesanwaltschaft*, 16 April, 2010, pp. 26, 27).

The author agrees with the *Generalbundesanwalt* regarding the consideration on the military advantage and the loss of civilian lives but has to disagree with his justification of the waiver of a prior warning, pursuant to Article 57 para. 2 (c) Add. Prot. I (Safferling & Kirsch, 2010, p. 84; critically: von der Groeben, 2010, p. 482). Applying this finding to “independent” journalists it is obvious that the loopholes in the protection granted to civilians by international humanitarian law also have an impact on the life and security of journalists.

In any case, the protective status of civilians is to be taken into account during international armed conflicts as well as in non-international armed conflicts. The adverse parties of both forms of conflicts have to distinguish strictly between combatants and civilians. Art. 13 Add. Prot. II incorporates the legal obligation for the warring factions to protect the civilian population in a non-international conflict.⁵ While the implementation of the Add. Prot. II is not generally accepted, the International Criminal Tribunal for the former Yugoslavia (ICTY) has acknowledged the difficulties of the dichotomy of the terms *international* and *internal* armed conflict in its judgments. However, also the conflict concerned is not of an international character,

it cannot be denied that customary rules have developed to govern internal strife. These rules [...] cover such areas as protection of civilians from hostilities, in particular from indiscriminate attacks, protection of civilian objects, in particular cultural property, protection of all those who do not (or no longer) take active part in hostilities, as well as prohibition of means of warfare proscribed in international armed conflicts and ban of certain methods of conducting hostilities.⁶

⁵ The implementation of the Add. Prot. II is rather controversial; by now 167 State parties have ratified the Protocol. It entered into force on 7 December 1978.

⁶ Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, *Tadić* (IT-94-1-AR72), Appeals Chamber, 2 October 1995, para. 127.

This supports the supposition that civilians and therefore, “independent” journalists have to be protected from the effects of any combat action; above all the enemy parties must not aim attacks at civilians (Junod, 1987, margin Nos. 4787-4789; Fleck, 2008, margin No. 1203).

Resolution 1738, which has been approved by the Security Council in 2006 (Security Council Resolution 1738, 2006), refers to the problematic practical implementation of special protection measures for journalists and media personnel. According to the resolution, the member states are obligated to consider the professional independence and other rights of journalists. Now, after more than seven years, the status quo for journalists, in the sense of the above-mentioned definition, in armed conflicts—international or internal—has not improved. The guaranteed rights are not respected by any of the conflict parties, although targeting journalists constitutes a grave breach of international humanitarian law. According to Art. 85 para. 5 Add. Prot. I, such a violation of international humanitarian law during a conflict of international as well as of a non-international character is regarded as a war crime (Wolfrum & Fleck, 2008, margin No. 1409). In summary, the protection of “independent” journalists exists only on paper.

Media Equipment Protected as Civilian Objects

As already pointed out, “independent” journalists are civilians pursuant to the rules of international humanitarian law. This leads to the conclusion that material and facilities used for practicing the journalistic profession fall under the definition of the term civilian objects contained in Art. 52 Add. Prot. I. However, this is a controversial issue especially after the release of the Report to the Prosecutor of the ICTY to Review the North Atlantic Treaty Organization Bombing against the Federal Republic of Yugoslavia in 1999 (Final Report to the Prosecutor, 2000)⁷.

On 23 April 1999 the North Atlantic Treaty Organization (NATO) carried out an air strike in Belgrade that hit the Serbian Television and Radio Station. Based on this attack between 10 and 17 civilians were killed (Final Report to the Prosecutor, 2000, p. 27, margin No. 71). The NATO officials justified the bombing by the “dual military and civilian use” of the Serbian Television and Radio Station and its immense importance for the “command, control and communication network” of the military and special police forces of the Federal Republic of Yugoslavia. Following the positions of NATO the Final Report stated that there is no need for further investigations by the Office of the Prosecutor of the ICTY. Based on these findings, the Prosecutor “has decided not to open criminal investigations into any aspect of NATO’s 1999 air campaign” (Office of the Prosecutor Press, 13 June 2000)⁸ *inter alia* concerning the bombing of the Serbian Television and Radio Station (Benvenuti, 2001; in favour: Fenrick, 2001).

Pursuant to Art. 52 para. 2 Add. Prot. I, there are two fundamental elements which are used to distinguish between civilian and military objects. The use of the latter constitutes an “effective contribution to military action” and, furthermore, their partly or total destruction, capture or neutralization offer “a definite military advantage”. The Final Report does not include any supporting documents for the argument that the Serbian Television and Radio Station made an effective contribution to the so-called “command, control and

⁷ It is important to bear in mind that the persons who composed the commission which lay behind the report are not named and the document does not contain a number.

⁸ Later on the European Court of Human Rights (ECHR) decided for the inadmissibility of the case *Bankovic and Others v. Belgium and 16 other Contracting States*, application no. 52207/99, Grand Chamber’s Decision of 12 December 2001; the reasoning of the court decision is based on the lack of extra-territorial responsibility; none of the respondent States had an “effective control” over the targeted territory and its inhabitants.

communication network” because of supporting the activities of the military and the special police forces (Final Report, 2000, p. 27, para. 73, 75). Even if the effective contribution to military actions could be assumed the second requirement could definitely not be matched. The attack interrupted the transmission of the Serbian Television and Radio Station only for a brief period (Final Report, 2000, p. 28, para. 78). The Final Report failed to precise the definite military advantage expected as result of the attack. It merely adopts the arguments of the NATO officials and may not be used as an argument favouring the position that radio and television transmitter are per se military objects (Rado, 1999).

Following the opinion expressed in the Final Report every radio and television station would be a legitimate target of military attacks. This would mean, however, that an attack would cause always solely civilian losses as has been underlined in the previous case. The employees of a radio transmitter are “independent” journalists in terms of the above-mentioned definition and therefore, fall under the protection of Art. 79 Add. Prot. I. In principle working for a propaganda machine does not necessarily imply an engagement in a military operation and thus resulting in the loss of the status as civilian according to international humanitarian law. As just mentioned above there must be a balancing act between the civilian casualties and the military advantage of an attack, pursuant to Arts. 51 para. 5 (b) and 57 para. 2 (a) (iii) Add. Prot. I. The only military advantage gained by the airstrike against the Serb Radio and Television Station in 1999 was a short interruption of transmission. It appears an insufficient justification for the killing of more than 10 persons.

Resolution 1738 (2006) of the Security Council points out once more that the facilities and equipment of the media are civilian objects and, therefore, may not be directly attacked or become victims of reprisals as long as it is not bound to a mainly military use (Security Council Resolution 1738, 2006, para. 3). The bombardment of a radio station, also if partially used as a propaganda machine, cannot be justified under international humanitarian law in an international armed conflict (Balguy-Gallois, 2004, pp. 50-54).

However, it is debateable if civilian objects are under general protection or not in a non-international armed conflict because this is not explicitly mentioned in Add. Prot. II. It contains only a list of objects indispensable to the survival of the civilian population, cultural property⁹ and places of worship, according to Arts. 14 and 16 Add. Prot. II. Media equipment and radio transmitters can hardly be brought under the definition of a civilian object vital for the survival and, therefore, are not protected under international humanitarian law during a non-international armed conflict.

Conclusion: New Measures of Protection Are Needed

The toll of killed and wounded journalists in armed conflicts is rising and therefore, it is comprehensible that until now the discussion on the improvement of the legal status of “independent” journalists in international humanitarian law is still continuing.¹⁰ The main argument contra additional protection was and is the fear that the implementation of a special status for journalists would weaken the status in international humanitarian law of other groups, in particular, staff of medical, religious and civil defence and delegates of the protecting powers and of the ICRC. The reason given is that the members of these groups are acting on behalf

⁹ Defined in 1954 Hague Convention, Art. 1.

¹⁰ Thirty-Fifth Meeting on the Ad Hoc Working Group on the Protection of Journalists engaged in Dangerous Missions, Official Records of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, Geneva, 1974-1977, Vol. 2, pp. 367-374.

of the victims in contrast to media personnel and, therefore, have to be better protected than persons who are at the frontline of a war for the information gathering process (Gasser, 1983, pp. 9, 10). This reasoning, however, leads to a weighing of the importance of the lives of persons who are in conflict areas without participating in combat or similar actions and are not “mere” civilians (Gasser, 1987, p. 3245).¹¹ To claim that the lives of individuals who, for example, work for medical services like the Red Crescent, are more worthy to protect than the life of a journalist who tries to make atrocities committed during armed conflict known to the public is counterproductive. The journalists are not merely reporting about the battlefield but also about the background of the conflicts, for example about human rights abuses or corruption and therefore, are inseparable linked to the peace and security process in the relevant area. The detailed examination of the difficulties journalists are faced with during the work in zones of armed conflicts and situations of unrest emphasises the lacunae in their legal status in international humanitarian law. Without the efforts of journalists many war crimes and crimes against humanity and their backgrounds would never be disclosed. Therefore, it is absolutely necessary to create a better legal and also *de facto* protection for media personal. The protection measures intended to save the life of civilians are not enough for the safety of “independent” journalists because the latter is directly targeted by the warring parties to prevent unpleasant coverage on a conflict.

The same new protection status should also include media installations and equipment, even if they are used for propaganda or to incite to commit genocide as in the case of the RTML in Ruanda. According to Art. 52 Add. Prot. I they are subjected to the same protection as civilian objects during armed conflicts and would lose this status only if they are mainly used for military purposes. In present time, the bombing of transmitters is not needed to block broadcasts; nowadays transmission could be stopped by jamming devices without carrying out any violent act.

A special status for journalists in international humanitarian law is badly needed. An international recognized emblem would be the first step which could lead to a better protection. The safety of existing protected groups, for example the staff of medical services, must be retained and may not be weakened. However, under no circumstances should this be used as justification for denying journalists the best legal protection as possible. The work carried out by “independent” journalists prevents atrocities or at least brings the crimes committed into public awareness. Coverage from war zones or zones of unrest is a key element to guarantee democratic rights and to establish peace and security. Therefore, attacks launched against journalists are a threat for peace and well-being of all states in the world. The international community as a whole is called upon to do its utmost to prevent such actions and to bring those who commit crimes against media personal to justice.

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¹¹ Within four years, the author Gasser changed his mind by arguing that “journalists exercising their profession in such a situation to dangers which often exceed the level of danger normally encountered by civilians”.

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